



MERCED IRRIGATION DISTRICT

April 21, 2015

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

RE: Merced Irrigation District Petitions for Temporary Urgency Change

Dear Ms. Evoy:

Enclosed are Petitions for Temporary Urgency Change (Petition) involving a change in License Terms under Merced Irrigation District's (District) Licenses 11395 and 11396 (Applications 16186 and 161887, respectively). Accompanying this Petition are the following:

- 1) Attachment No. 1 to Petition for Temporary Urgency Change
- 2) Lake Don Pedro Community Services District Resolution No. 2015-15
- 3) Letter from California Department of Fish and Wildlife
- 4) Attachment No. 1 to Environmental Information
- 5) Check in the amount of \$12,306 payable to the State Water Resources Control Board (SWRCB)
- 6) Check in the amount of \$850 payable to the California Department of Fish and Wildlife (CDFW)

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

These Petitions are submitted by the District in response to the drought conditions in the Merced River watershed over the last four years, which have been compounded by the record breaking dry weather thus far in 2015. Because of the extremely dry conditions, the District is duty-bound to the people it serves, including the Lake Don Pedro Community Services District, to manage and conserve its limited water resources.

For the reasons provided in the Petition and related attachments, the District requests that the Division of Water Rights (Division) consider and act as quickly as possible in approving the District's requested changes in order to realize the maximum beneficial use of critical storage in Lake McClure. District staff will be immediately available to Division staff in order to respond to questions or provide clarifications.

Very truly,



For John Sweigard
General Manager

cc: Jeff Single, California Department of Fish & Wildlife
Dean Marsten, California Department of Fish & Wildlife
Robert Nozuka, California Department of Water Resources
Bill Croyle, California Department of Water Resources
Mark Cowin, California Department of Water Resources
Amanda Montgomery, State Water Resources Control Board
Matt Scroggins, CVRWQCB (via certified mail)
Tom Berliner, Duane Morris
MBK Engineers

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

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, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application 16186 Permit 12825 License 11395 Statement

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 ¼-¼ level and California Coordinate System (NAD 83).

Present: No change requested
Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present: No change requested
Proposed:

Purpose of Use

Present: No change requested
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for split details]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to .

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ 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.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at .

Richard Eitel
Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

- NOTE: All petitions must be accompanied by:
- (1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
 - (2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
 - (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Please indicate County where your project is located here:

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- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other. Application 16187, Permit 12826, License 11396, Statement.

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Present: No change requested
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Purpose of Use

Present: No change requested
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Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for split details]

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Proposed:

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Will any legal user of the treated waste water discharged be affected? Yes No

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If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at .

Richard S. Ted
Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

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(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Attachment No. 1
to Petitions for Temporary Urgency Change
Licenses 11395 and 11396
held by Merced Irrigation District

DESCRIPTION OF PROPOSED TEMPORARY URGENCY CHANGE

The Merced Irrigation District (District) is filing a Petition for Temporary Urgency Change (Petition) with the Division of Water Rights (Division) to request: 1) a change of the minimum instream flow requirement at Shaffer Bridge during April and May 2015 from an instantaneous flow of 60 cfs to an instantaneous flow of 40 cfs at Shaffer Bridge during this two-month period, 2) allow for continued diversion and use of surface water by Lake Don Pedro Community Services District (LDPCSD) while storage in Lake McClure is less than the minimum pool requirement of 115,000 AF to meet health and safety needs, and 3) relief from providing an additional 12,500 AF in the month of October 2015 under the District's Licenses 11395 and 11396 (Applications 16186 and 16187, respectively). This Petition accompanies coordination with other regulatory agencies, which includes requests for concurrence from: 1) the California Department of Fish and Wildlife (DFW) to reduce the minimum instream flow requirement and relief from the minimum pool requirement under the Agreement between the District and California Department of Fish and Game, dated October 8, 1959, 2) the Federal Energy Regulatory Commission (FERC) for temporary relief under the District's FERC license for its Merced River Hydroelectric Power Project minimum instream flow and minimum pool requirements, and 3) the Department of Water Resources (DWR) for temporary relief of the minimum pool requirement in the Davis-Grunsky Agreement between the District and DWR.

The District's water rights Licenses 11395 and 11396 were filed concurrently to expand the District's original Exchequer Dam for both consumptive (Application 16186) and power (Application 16187) uses. To satisfy protests by the California Department of Fish and Game, both Licenses include the following language:

“This license is subject to the terms of provision 1, 2, 3, and 4 of the stipulation and agreement between Merced Irrigation District and California Department of Fish and Game, dated October 8, 1959 [(1959 Agreement)], and received into evidence as Fish and Game Exhibit 1 in the hearing of applications 16186 and 16187.”

These provisions of the 1959 Agreement are summarized as follows:

- I. Maintain a minimum flow of 20 cfs below Bagby Dam whenever more than 1/4 mile of Merced River is exposed within Exchequer Reservoir
- II. Maintain a minimum flow of 50 cfs below New Exchequer Dam at all times during a non-dry year and 25 cfs during a dry year, as defined in the Agreement

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III. Maintain the following minimum flows at Shaffer Bridge:

Period	Non-dry Year	Dry Year
June 1 through October 15	25 cfs	15 cfs
October 16 through October 31	75 cfs	60 cfs
November 1 through December 31	100 cfs	75 cfs
January 1 through May 31	75 cfs	60 cfs

IV. Water surface elevation shall be maintained as high as possible, consistent with the operational demand during April through October, and shall maintain minimum pools for operation of the project and maintenance of fish and wildlife:

Bagby = 30,000 AF Exchequer = 115,000 AF Snelling = 20,000 AF

In this Petition, the District makes three requests. First, the District requests a relaxation of minimum flows at Shaffer Bridge under Provision III, Dry Year condition, to coincide with the relaxed flows requested from FERC. Under this relaxation, MID requests that during April and May 2015, its compliance obligation at Shaffer Bridge be a 40 cfs instantaneous flow, rather than a 60 cfs instantaneous flow.

Second, the District requests relief from providing a 12,500 AF pulse flow release during the month of October 2015. The October release may be fully or partially implemented as agreed upon by DFW and the District if hydrology within the Merced River watershed and storage in Lake McClure improve by October 2015.

Third, the District requests an exception to the minimum pool requirement at Lake McClure (New Exchequer Dam) under Provision IV, to allow continued water deliveries to LDPCSD required for public health and safety needs when storage in Lake McClure is less than 115,000 AF. LDPCSD is located adjacent to Lake Don Pedro, but receives its water supply from Lake McClure under the District's License 11395. Currently, Lake McClure is below the minimum pool requirement of 115,000 AF; and as of April 6, 2015, there is 93,658 AF in storage in Lake McClure.

BACKGROUND

The Merced Irrigation District is an irrigation district existing under the California Irrigation District law with the goal of providing irrigation services to approximately 2,200 customers within its service area covering approximately 164,000 acres in eastern Merced County at the toe of westerly Sierra Nevada foothills. Approximately 100,000 of those acres are irrigated with surface water provided by the District. The District's primary water source is Lake McClure, formed by the New Exchequer Dam on the Merced River, which has a capacity of approximately 1,024,000 AF at a normal maximum water surface elevation of 867 feet above mean sea level. Immediately downstream of Lake McClure is the McSwain Dam and Reservoir, which has a capacity of approximately 9,700 AF.

The District operates its irrigation facilities, and makes minimum flow releases into the Merced River in accordance with water right licenses issued by the State Water Resources Control Board (SWRCB) as well as its license to operate its Merced River Hydroelectric Power Project issued by the Federal Energy Regulatory Commission (FERC). Additional background regarding hydrologic conditions and coordination with regulatory agencies relative to requests for modifications to other requirements are also identified below.

Current Hydrologic Conditions

Facing a fourth consecutive dry year, the last two years of which have been critically dry, the State of California, and the Merced River watershed in particular, remains in the midst of an unprecedented drought. For the San Joaquin River Basin, DWR’s Bulletin 120 publication for April 1, 2015, Water Supply Conditions in California, identifies that Water Year 2015 is preliminarily classified as a critical year type according to the San Joaquin Valley Water Year Type Index (60-20-20). In addition, Bulletin 120 indicates that the forecasted unimpaired runoff into Lake McClure at a 90% exceedance is 65,000 AF during April through July, as compared with an average of 636,000 AF; and for the entire 2015 Water Year, the forecast at a 90% exceedance is 131,000 AF, as compared with an average of 1,007,000 AF. At a 50% exceedance, the unimpaired runoff forecast during April through July is 90,000 AF, or 14% of average; and the forecast for the 2015 Water Year is currently 156,000 AF, or 15% of average at a 50% exceedance. However, the National Oceanic and Atmospheric Association’s California Nevada River Forecast Center (CNRFC) indicates a less favorable forecast. Table 1 below is the current exceedance forecast available from the CNRFC for the Merced River at New Exchequer Dam. As indicated in the table, the April through July forecast at a 50% exceedance level is approximately 56,000 AF, and at a 90% exceedance forecast is approximately 40,200 AF.

Table 1. NOAA Monthly Volume Exceedance Values on the Merced - New Exchequer Dam

Monthly Streamflow Volume (1000s of Acre-Feet)							
Prob	Apr	May	Jun	Jul	Aug	Sep	Oct
10%	25.1	46.7	22.1	6.5	2.8	1.8	5.2
25%	23.1	31.3	13.5	4.5	2.1	1.2	2.7
50%	21.1	21.7	9.4	3.8	1.6	0.7	1.5
75%	20	14.9	7	2.8	1.1	0.5	0.8
90%	19.6	12.8	5.3	2.5	0.8	0.4	0.5
Avg	144.9	238.3	175.5	63.9	14.4	6.9	7.3
MP/Avg	14.6	9.1	5.4	5.9	11.1	10.1	20.5

Note: MP/Avg is the "Most Probable Monthly Value (50%)" divided by the "Monthly Avg" (displayed as a %)

On January 17, 2014 Governor Brown proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions, and on April 25, 2014, he further proclaimed a Continued State of Emergency. In addition to two drought declarations issued in 2014, Governor Brown has also issued Executive Order B-26-14 and Executive Order B-29-15. The orders and provisions remain in full force and recognize the continued severe

Merced Irrigation District
Attachment to Petition for Temporary Urgency Change

drought conditions and the severe impacts throughout the State. In Executive Order B-29-15, Governor Brown states, “a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 [and] new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought.” The changes proposed in this Petition are consistent with the Governor’s orders and provisions. These proposed changes will assist in the District’s efforts to conserve upstream storage for a water supply to LDPCSD and support instream releases to the Merced River throughout 2015, and into 2016.

In April 2014, the District petitioned for and received a Temporary Urgency Change Order approving a decrease in the minimum instream flow requirement and a reduction in the pool requirement from 115,000 AF to 85,000 AF. The temporary reduction in the minimum pool requirement assisted in the District’s efforts optimize the benefits of its limited water supply. These changes initially conserved water in Lake McClure which provided additional flows during Spring 2014 for out-migrating fish, provided District customers with an additional, incremental surface water supply during the irrigation season, and provided fish species in the Merced River with cooler river water temperatures throughout the District’s irrigation season as compared to the condition absent the changes authorized by the SWRCB and other agencies.

As of April 20, 2015, there is 97,642 AF in storage in Lake McClure. LDPCSD is located adjacent to Lake Don Pedro, but receives its water supply from Lake McClure under the District’s License 11395. Due to the current conditions, Lake McClure reached a record low level in February 2015. Based on inflow since that time, including the forecasted inflow summarized above, the District estimates that Lake McClure will likely not receive enough inflow to attain the minimum pool requirement of 115,000 AF during 2015. This has never happened since New Exchequer Dam was constructed in 1967. Such drastic surface water shortages will have a variety of significant impacts for the growers in MID and the people of Merced County. In accordance with the District’s water rights, agreements, and other regulatory requirements, the District is not authorized to withdrawal water from storage for consumptive use when Lake McClure is below the minimum pool requirement of 115,000 AF, including withdrawal for water deliveries to LDPCSD required to meet public health and safety needs. Thus, the District is submitting this Petition in order to provide for a continued supply to LDPCSD during the period when Lake McClure is at or below 115,000 AF.

The temporary reduction in the minimum instream flow requirement and relief from the 12,500 AF additional October release would allow the District, in coordination with DFW, to better manage the remaining supply within Lake McClure. The objective of these changes is to maintain flow in the Merced River throughout 2015 and into 2016 if the drought conditions persist. The proposed changes assist to mitigate the ongoing drought conditions within the Merced River watershed due to of the lack of surface water supplies. In addition, the relief from the 12,500 AF October release is consistent with the District’s FERC License, which does not authorize releases other than minimum flows required pursuant to the FERC License when storage within Lake McClure is less than the minimum pool requirement of 115,000 AF.

District Actions in Response to Drought

Following the period authorized by the SWRCB for the District's 2014 Temporary Urgency Change Petition and in addition to the proposed changes, the District has made previous efforts to conserve water and best manage the storage in Lake McClure for multiple beneficial uses, including fish and wildlife. The following were among the many efforts undertaken by the District:

1. In October 2014, the District submitted a request to the Department of Water Resources (DWR) to reduce Davis-Grunsky flows in the Merced River between November 1, 2014 and March 31, 2015, along with a waiver to reduce or waive the 2014 October Pulse flow. Ultimately, the District was not able to secure this request for relief.
2. In late January 2015, the District renegotiated approval to reduce Davis-Grunsky flows with the California Department of Fish and Wildlife (CDFW) and DWR for the winter of 2015. The District received approval on February 6, 2015, allowing flows at Shaffer Bridge to be reduced from a minimum of 180 cfs to a minimum of 100 cfs.
3. The District has continued to diligently coordinate with Cowell Agreement Diverters and other water appropriators/riparian users on the Merced River. As a result, the District has been providing irrigation personnel to coordinate planned diversions by these diverters and adjust releases from Lake McClure and Lake McSwain to the Merced River accordingly. Coordination with these water users has been ongoing.
4. The District's Board has opted to allow the meager inflow to Lake McClure to be diverted to storage rather than allowing the inflow to bypass Lake McClure that could have been diverted downstream under the District's pre-1914 water rights. On February 24, 2015, the District's Board indicated that it expects no surface water diversions to the District's landowners during 2015, unless significant changes in hydrology are realized at New Exchequer.

Despite all efforts to conserve water in storage in Lake McClure, storage levels remain historically low and additional action is necessary to prevent Lake McClure from potentially reaching dead pool before the end of this year. If the surface water elevation in Lake McClure was to be at or below the penstock to New Exchequer power plant, the Merced River downstream from New Exchequer Dam could go dry.

CRITERIA FOR APPROVING TEMPORARY URGENCY CHANGE REQUESTS

Water Code §1435(b) requires that the SWRCB make the following findings before approving of the District's temporary urgency change requests:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.

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Attachment to Petition for Temporary Urgency Change

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other in-stream beneficial uses.
4. The proposed change is in the public interest.

The District's proposed temporary urgency change addresses each of these required findings as identified below:

1. The permittee or licensee has an urgent need to make the proposed change.

Water Code §1435(c) provides that an 'urgent need' exists when the SWRCB may, in its judgment, conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented.

An urgent need for the temporary changes exists in order to conserve critical storage in Lake McClure for use later in the year, and into next year if drought conditions persist. The proposed changes are anticipated to assist the District in optimizing the available surface water supplies during the extreme dry conditions and conserve stored water in Lake McClure to provide instream flows and diversions to LDPCSD for public health and safety needs.

LDPCSD has adopted Resolution 2015-15 which mandates a 50% water use reduction by all water users as compared to 2013 water use. LDPCSD Resolution 2015-15 is enclosed. This regulation adopted in March 2015, will ensure that water conservation is achieved consistently during the term of the approved petition. In addition, LDPCSD initially adopted voluntary water conservation measures in February 2014, and as a result, total annual water consumption within LDPCSD was reduced by over 20% between 2013 and 2014. Figure 1 is a graphic showing the LDPCSD Customer Usage Trend and percent reduction through February 2015 as compared to use since late 2013. In an additional effort to conserve water supplies, all known leaks in the raw water transmission pipeline from Lake McClure to the LDPCSD Water Treatment Plant have been repaired as of December 31, 2014.

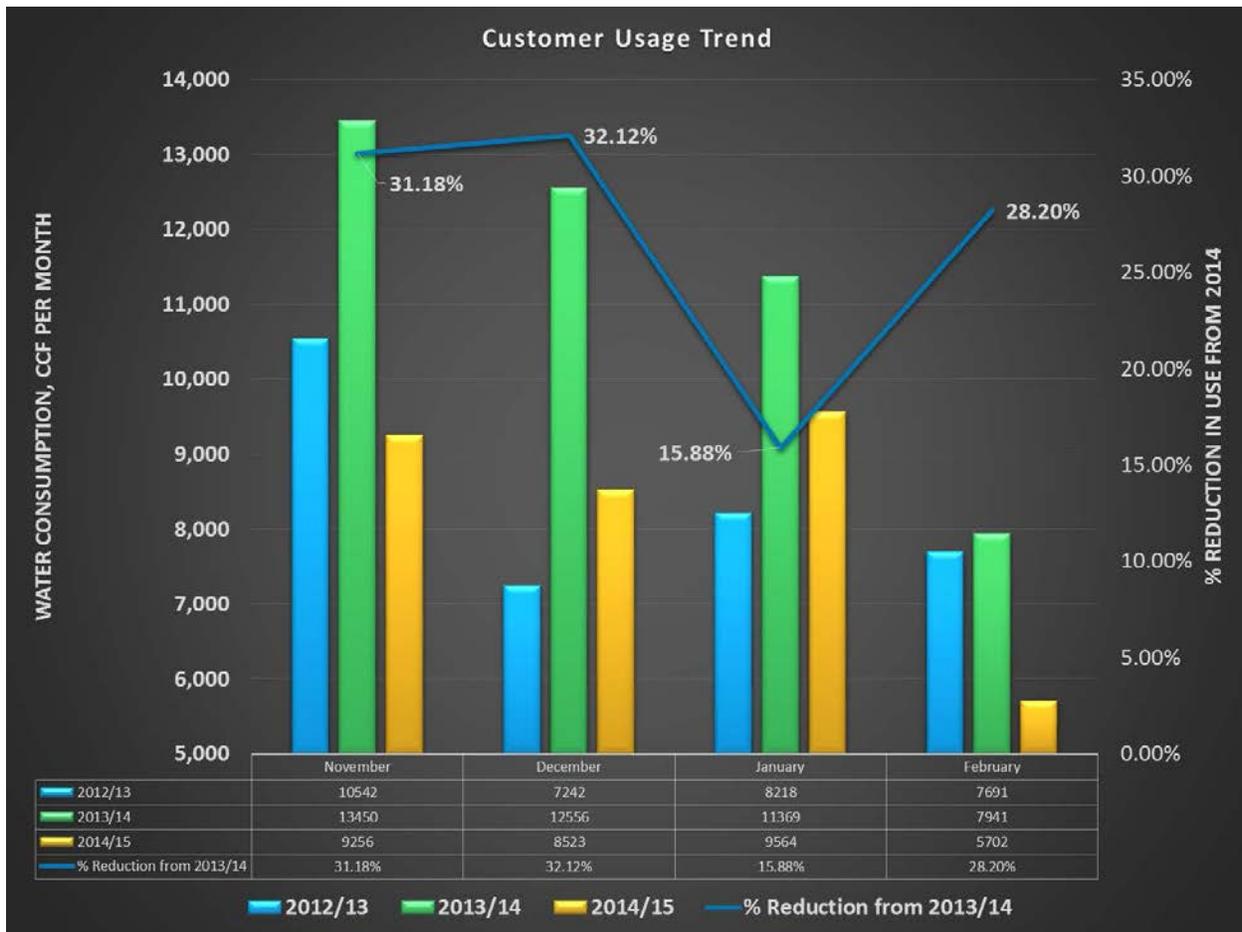


Figure 1. LDPCSD Customer Usage Trend

LDPCSD Resolution 2015-15 states, “it is estimated that the floating pump station will not be able to pump water when the water level in Lake McClure falls below 560 feet [which corresponds to approximately 38,600 AF in storage], and the quality of remaining water at any elevation below 580 feet [which corresponds to approximately 57,000 AF in storage] is unknown and questionable in its suitability for pumping, treatment, and use”. As of April 20, 2015, the storage in Lake McClure is approximately 97,640 AF, which corresponds to a water surface elevation of approximately 613 feet above mean sea level (amsl). As shown in Figure 2 and Figure 3, the water surface elevation reached a low of approximately 585 feet amsl in February 2015.

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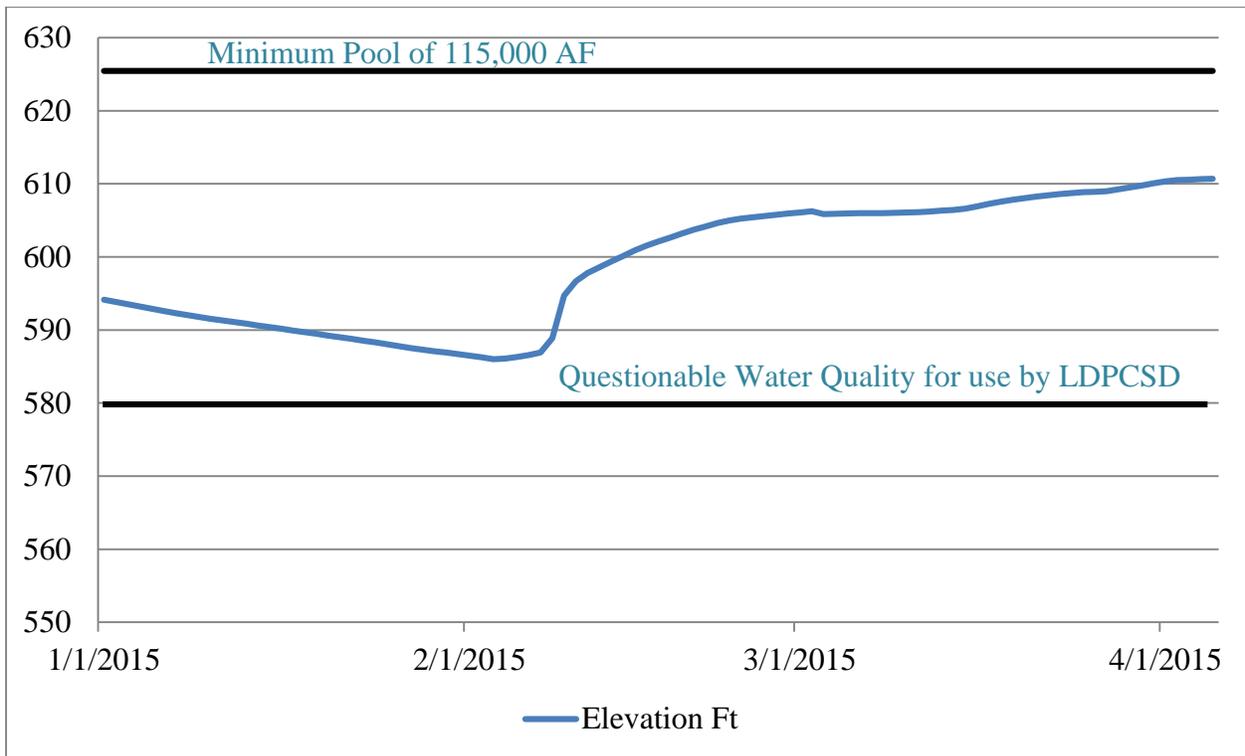


Figure 2. Lake McClure Water Surface Elevation (above mean sea level)

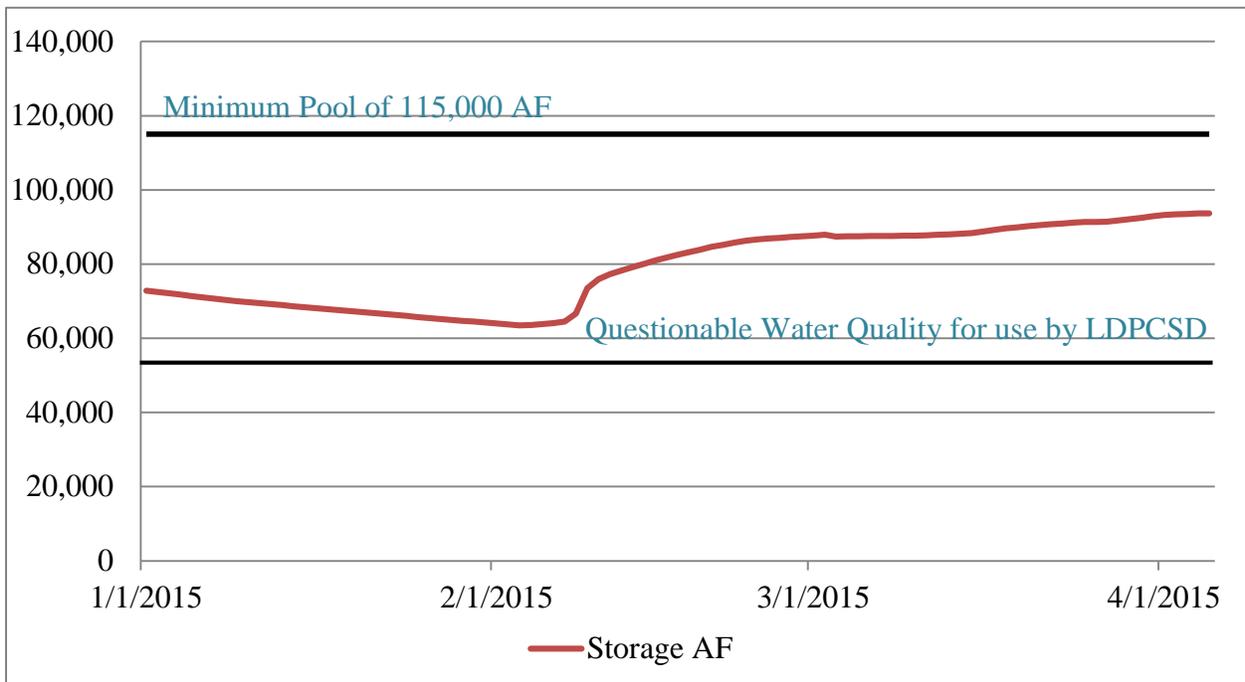


Figure 3. Lake McClure Storage

This requested relaxation to allow LDPCSD to continue diversions from Lake McClure while storage is below the minimum pool requirement is to immediately provide LDPCSD a solution to a potential drinking water shortage in its domestic water supplies. Currently, LDPCSD does not have an alternate source of water. Relief from the minimum instream flow requirement, including the 12,500 AF October release, should provide LDPCSD with continued access to a water supply from Lake McClure. As mentioned above, this is consistent with the Governor's Executive Order B-26-15.

2. The proposed change may be made without injury to any other lawful user of water.

The proposed change of the minimum instream flow requirement at Shaffer Bridge during April and May 2015 from an instantaneous flow of 60 cfs to an instantaneous flow of not less than 40 cfs at Shaffer Bridge during this two-month period will have minimal affect to any lawful user of water. Shaffer Bridge is located approximately 23 miles downstream from the at the District's McSwain Dam (a 9,000 AF afterbay to New Exchequer Dam). Diversions through this 23-mile reach can result in fluctuations of Merced River flows, and as a result, the District has to release excess flow to meet the flows at Shaffer Bridge. The proposed would allow the District to manage flows at Shaffer Bridge during April and May with greater flexibility, considering the potential fluctuations between McSwain Dam and Shaffer Bridge. The District proposes an instantaneous flow of not less than 40 cfs at Shaffer Bridge, to avoid injury to other legal users of water. In addition, the District believes that the proposed relaxation of the minimum pool requirement to provide for continued diversions of water held in Lake McClure for use within LDPCSD will not injure other legal users of water. The surface water proposed to be made available to LDPCSD by the temporary relaxation to the minimum pool requirement will assist to mitigate an emergency water supply condition affecting LDPCSD.

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

The requested temporary urgency change for reduced instream flow and relief from the 12,500 AF October release are requested while the District is in coordination and consultation with DFW. The intent of the changes are to conserve storage and allow the District to manage the minimal water supply within Lake McClure. A letter of concurrence from DFW regarding the proposed changes is enclosed. Figure 4 and Figure 5 depict estimated storage and water surface elevation, respectively, of Lake McClure under 90% and 99% exceedance forecasts with and without the relief from the 12,500 AF October pulse flow. The 90% and 99% exceedance forecasts are based on information obtained from CNFRC, described above.

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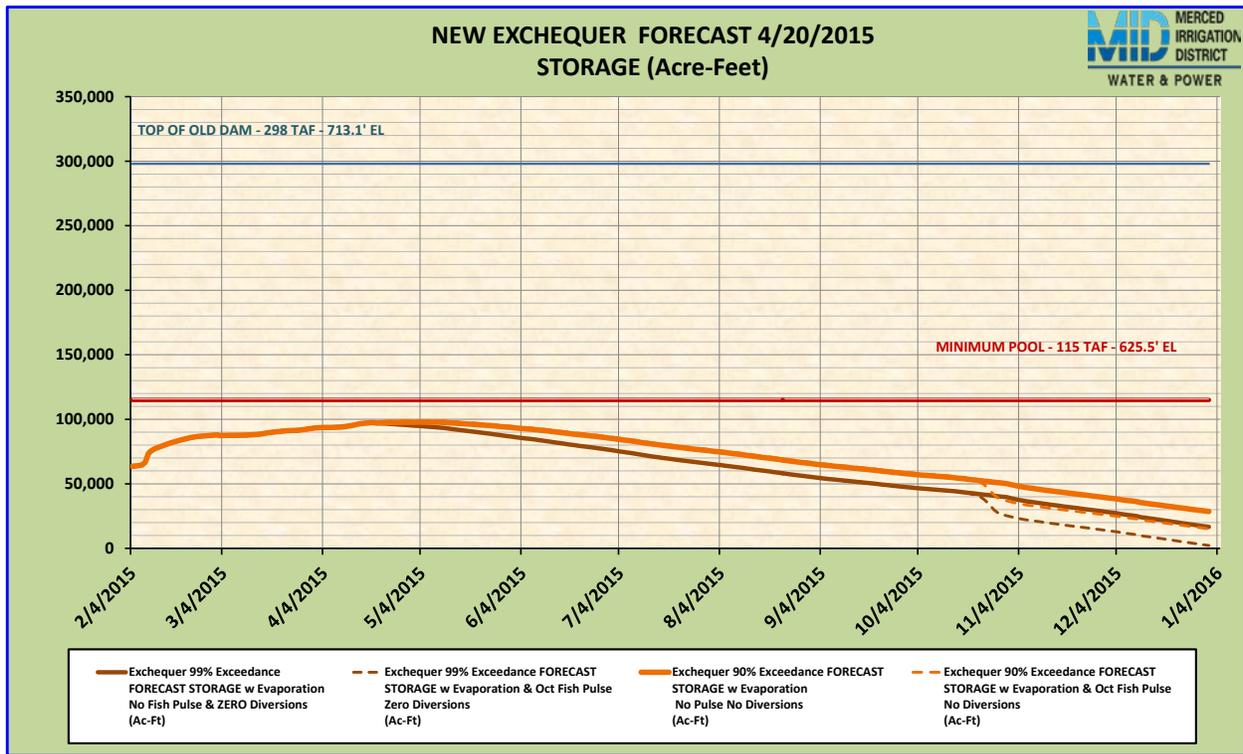


Figure 4. Estimated Lake McClure Storage

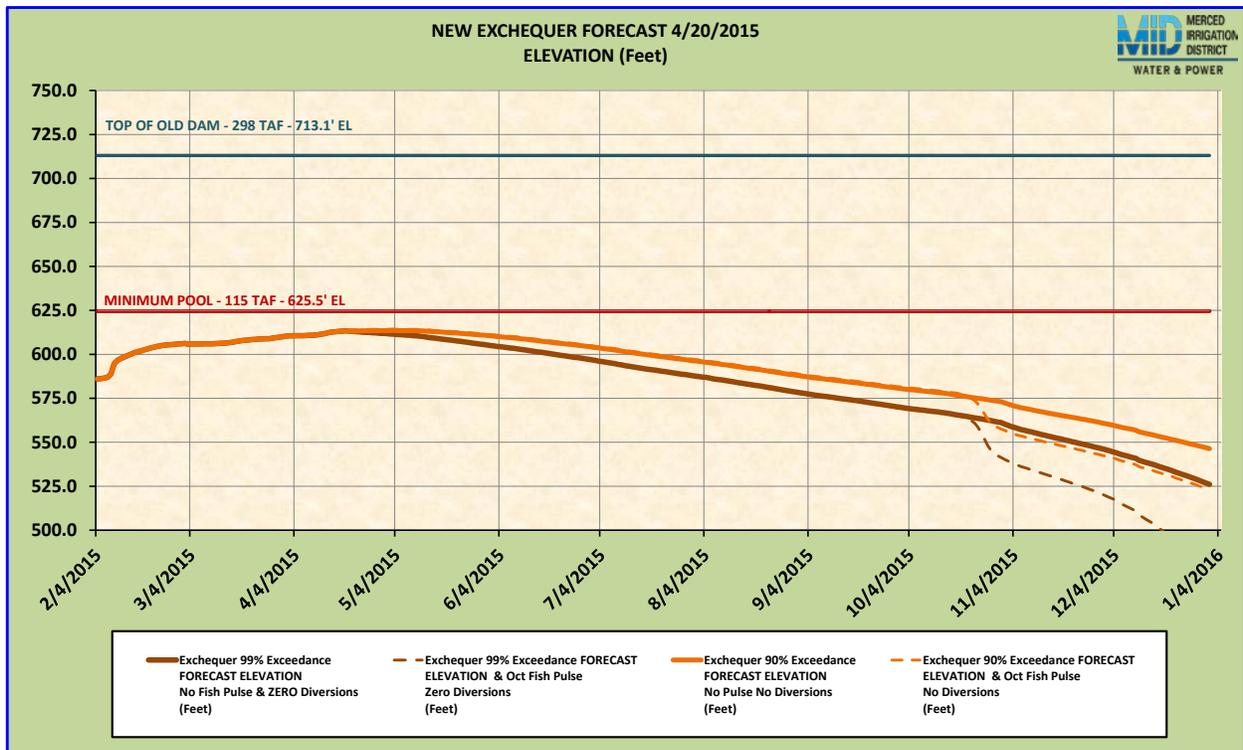


Figure 5. Estimated Water Surface Elevation (above mean sea level)

4. The proposed change is in the public interest.

The proposed temporary urgency changes under the District's Licenses 11395 and 11396 have been developed in coordination with multiple agencies to maximize benefits of the District's water supply while providing protection to fish in the Merced River. The proposed reduced instream flow requirement, including the 12,500 AF October release, and the relaxed minimum pool requirement are intended to allow the District to maintain flow in the Merced River throughout 2015, and into 2016 if drought conditions persist. These proposed changes are also intended to authorize continued diversions by LDPCSD from Lake McClure in order to meet minimum public health and safety needs. These actions and benefits are consistent with and directed by the Governor's Proclamations and Executive Orders.

CONCLUSION

The District is submitting this Petition for Temporary Urgency Change assist in mitigating record breaking drought conditions and severe impacts due to the lack of surface water supplies. The actions being taken by the District, in consultation with DFW, are efforts to protect fish in the Merced River while providing a residential water supply to the LDPCSD community. The District requests that the Division of Water Rights consider and act as quickly as possible in approving the District's requested changes in order to manage the remaining water in storage within Lake McClure for instream flows and diversions by LDPCSD to meet health and safety needs.

AB/jp

5520\FINAL MID ATTACHMENT TO PETITITION FOR TUC UNDER A16186 A16187 04.21.2015.DOCX

RESOLUTION NO. 2015-15

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
DECLARING STAGE III DROUGHT EMERGENCY--WATER
WARNING AND IMPLEMENTING APPROPRIATE MANDATORY
WATER CONSERVATION MEASURES**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find and declare as follows:

WHEREAS, the Lake Don Pedro Community Services District ("District") is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, on January 17, 2014, the Governor promulgated Governor's Proclamation No. 1-17-2014 which proclaimed a state of emergency based on the current drought; and

WHEREAS, the Proclamation called on all Californians to reduce their water usage by 20 percent; and

WHEREAS, on April 25, 2014, the Governor issued an Executive Order finding that continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, and additional water scarcity if drought conditions continue into 2015; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board ("SWRCB") adopted Resolution No. 2014-0038, entitled "To Adopt an Emergency Regulation for Statewide Urban Water Conservation;" and

WHEREAS, SWRCB Resolution No. 2014-0038 adopted emergency water conservation regulations imposing mandatory restrictions on outdoor landscape irrigation and other specified uses of water; and

WHEREAS, the emergency regulations adopted by SWRCB Resolution No. 2014-0038 (adopted as California Code of Regulations, Title 23, Sections 863-865, effective July 28, 2014) further provide that, to promote water conservation, each distributor of a public water supply, as defined in Water Code § 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions: (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013; and

WHEREAS, on February 18, 2014, the LDPCSD District Board adopted Resolution No. 2014-2 (attached hereto as Exhibit B), in which the Board declared a drought emergency and adopted primarily voluntary Stage I water conservation measures; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late

October, 2013, and since that time the District has used an emergency barge-mounted floating pump station to deliver water to the intake for delivery to the District's water treatment and distribution system; and

WHEREAS, all of the factors cited in the recitals of Resolution No. 2014-2 remain in effect; and

WHEREAS, the drought conditions cited in Resolution No. 2014-2 have deepened; and

WHEREAS, the current water level in Lake McClure is approximately 605 feet above mean sea level and the Lake is at 7% of its capacity of 1,024,600 acre-feet; and

WHEREAS, the District's Lake McClure intake is set at 700 feet and the pumps are currently over 100 feet out of the water; and

WHEREAS, the most current long range weather forecasts issued by the National Oceanic and Atmospheric Administration (NOAA) and verified by California Office of Emergency Services (CAL OES) predict a high probability of continuing and potentially worsening drought conditions for our region; and

WHEREAS, it is estimated that the floating pump station will not be able to pump water when the water level in Lake McClure falls below 560 feet, and the quality of remaining water at any elevation below 580 feet is unknown and questionable in its suitability for pumping, treatment and use; and

WHEREAS, by reason of declining water levels in Lake McClure since adoption of Resolution No. 2014-2, projections of lowered water levels in the near future, and the uncertainty of sufficient precipitation during the remainder of 2014 and into 2015, a reasonable probability exists that the District will not be able to meet all of the water demands of its customers; and

WHEREAS, the District has no alternative source of water adequate to meet even minimal system demands for sanitation and firefighting purposes in event water from Lake McClure is depleted and is not available; and

WHEREAS, in anticipation of the shortage of water supply, the District has taken, may or will take the following actions to supplement its existing available water supply with priority based on availability of funding, probability of enhancement of water supply for the health and safety of the community, planning and permitting time, constructability and other factors:

1. Develop plans, construct improvements and procure materials and supplies necessary to extend the floating pump station down to the lowest possible elevation of 560 feet; and
2. Continue to drill additional groundwater wells to maximize the available emergency water supply; and
3. Perform preliminary planning and engineering with the intention to immediately secure funding and if successful implement the construction of a deep water

intake at the deepest portion of Lake McClure near McClure Point, which will involve the installation of new intake pumps and over five miles of new pipeline,

- and will provide pumping capabilities well below the current location with its 560 foot elevation restriction; and
4. Expedite water system leak repairs by use of contract labor and other means to reduce water loss from the District system to within industry standards of less than 10%.

WHEREAS, operation of the emergency floating pump barge increases the monthly cost to the District by tens of thousands of dollars and consumes nearly 25% of the available work time of District staff, thereby reducing the capability of District staff to perform needed maintenance work including system leak repairs; and

WHEREAS, on December 3, 2014, the LDPCSD District Board adopted Resolution No. 2014-9 (attached hereto as Exhibit B), in which the Board declared a Water Supply Warning in response to the continuing drought conditions and available water in Lake McClure of less than six month's supply. Resolution 2014-09 declared Stage II Drought Emergency and adopted mandatory 30% water conservation measures and a ban on winter outside irrigation; and

WHEREAS, the continued drought predictions have materialized in early 2015 with the driest January in recorded state water history and only one substantial storm in February, and March beginning with warm temperatures and predictions for very little precipitation. The March 2015 snow surveys show a dismal 13% of the multi-decade average for March, which will result in relatively no increase in snow-melt water flow into Lake McClure this spring; and

WHEREAS, the current Lake McClure water surface elevation is at 605 feet above sea level, virtually the same elevation as December 2014 and with no increase in precipitation or increase snowmelt inflow, coupled with continued reservoir releases mandated of Merced Irrigation District to support downstream Salmon spawning grounds, the water supply remaining in Lake McClure is predicted to last only until August 2015, and

WHEREAS, the District has been aggressively planning and drilling multiple test exploration wells for new groundwater supplies, however the results of a month of drilling and many tens of thousands of public dollars spent in the exploration process has resulted in only very little groundwater supply found, resulting in a finding that groundwater supplies may be inadequate to meet normal customer demands during August when the Lake McClure water supply is exhausted; and

WHEREAS, the following measures are intended to comply with and exceed to the extent necessary the requirements of SWRCB Resolution No. 2014-0038, in order to preserve existing water supply and promote the public health and safety of all persons who use District services.

NOW, THEREFORE, IN CONSIDERATION OF ALL OF THE FOREGOING, the Board of Directors of the Lake Don Pedro Community Services District does hereby resolve as follows: that the District hereby adopts the following policies to be effective immediately and throughout the longer of (i) the duration of the drought emergency previously declared in Resolution No. 2014-02, (ii) the water supply warning declared in Resolution No. 2014-09 and as modified herein or (iii) December 31, 2015:

1. A "Water Supply Warning" is hereby continued and applies during the current period when a reasonable probability exists that the District will not be able to meet all of the water demands of its customers and no adequate alternative water supply is yet available to the District.
2. Water Conservation Stage III is hereby declared as a result of the Water Supply Warning and probability of water supply shortages.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. The District has determined that a fifty percent (50%) reduction in end user water consumption is necessary to preserve available water supply. Exhibit A, attached, details the Water Budget for households with various number of full time occupants and the respective amount of water conservation necessary, for all water used over the Water Budget, to achieve the mandated 50% reduction.
5. All measures herein are mandatory until December 31, 2015 or until further action by the Board. All water conservation measures heretofore stipulated and adopted by Resolution No. 2014-2 continue as mandatory.
6. Except as otherwise provided herein, all water conservation and drought response measures of Resolution No. 2014-9 shall remain and be in full force and effect.
7. The following mandatory water conservation and drought response measures shall apply effective immediately:
 - (a) **Outdoor irrigation** – All outdoor irrigation is prohibited using water from the District's water system until such time as a determination is made by the District that adequate supplemental or alternate s water supplies are in place to meet the sanitation, human consumption and fire protection demands of the District customers through its water system.
 - (i) No new (expanded) landscaping shall be installed on existing or newly developed properties until these restrictions have been reduced or repealed unless they are irrigated using water other than from the District's system.
 - (ii) The proper installation and use of greywater reuse and rainwater catchment irrigation systems is strongly encouraged.
 - (b) Emptying and refilling swimming pools is prohibited using water from the District system.
 - (c) All plumbing leaks, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District within seven days of written notification by the District. At the discretions of the District, in preserving water supply District staff may discontinue (turn off) water service to a property where a leak has been identified and the owner cannot be immediately contacted as further detailed in Section 9 below.
 - (d) Water customers shall read their meters at the frequency necessary to assure compliance with these requirements.

8. **Compliance Determination** - The District shall determine the total amount of water delivered to the property of each District customer for each month in the prior year (the "Base Year Consumption Amount"). Water usage data from additional past years may be considered in the event of anomalies in prior year data.
- (a) A "Water Budget" is hereby established to provide a lifeline water supply to all customers which is intended to meet their human consumption and sanitation needs, identified special water needs and the reasonable water needs of cattle, horses, sheep, goats, pigs and other necessary animals, including domestic animals living on the property.
 - (b) Exhibit A details the baseline Water Budget and level of water consumption allowed, in "Units", based on the Water Budget of the home and amount of water consumption documented for the same month of the prior year. Water users are considered to be in compliance with the 50% water conservation mandate if their water consumption in each month is less than or equal to the 50% reduced amount shown in Exhibit A.
 - (i) One "Unit" of water consumed is equal to 100 cubic feet or 748 gallons.

Customers may submit a written request to the District General Manager and on a standardized form provided by the District, that consideration be given to the following in establishing compliance with these requirements:

- More than two persons occupy the home on a full time basis
 - That verifiable changes in property ownership have affected water use in the current or previous years
 - That there has been permanent or temporary increases in occupancy of the property
 - That there have been changes in the use of the property
 - That plumbing malfunctions and other factors have affected, or could have affected water use in the current or prior year.
- (c) The Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue this Water Supply Warning for more than twelve months from the date hereof.

9. **Enforcement** - The District will review metered water usage data on a monthly basis or more frequently as necessary for the purpose of normal billing and determinations of compliance with these requirements. The intent of any violation enforcement shall be to assist customers in reducing their water consumption and the levy of fines is intended as a last resort to fund the added cost of the increased enforcement effort. The fines described herein are not intended to be used as a revenue generating activity, rather to cover the cost of implementing actions necessary to preserve water supply for public health and safety.

(a) The above restrictions shall be enforced as follows:

First Violation:

Customer will receive a written notice from the District describing the situation, explaining possible actions to reduce future water consumption, and explaining that further violation will result in possible water restrictions and imposing of fines.

Second Violation:

Customer's water service may be restricted by a device installed by the District or discontinuance of water service until the excessive usage is remedied for a period of thirty (30) days and the device will be removed upon payment of the cost of device installation or other required administrative actions, up to a maximum billing of \$250.00.

Third Violation:

Customer's water service shall be restricted to life line or life sustaining rates by a device installed by the District. The device shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of the cost of device installation and other required administrative actions, up to a maximum billing of 500.00.

The District may discontinue water service immediately to any property on which a water leak is discovered. In this event, the customer or property owner will be notified as quickly as possible of such leak and the service discontinuance. Leak repairs must be verified by the District before the water service can be permanently reinstated.

Variances:

Variances may be granted from any of the above regulations upon application in writing stating in detail the circumstances meriting special consideration. Appeals of decisions by the General Manager may be taken to the Board of Directors.

10. If any provisions of this Ordinance are in conflict with each other, District water service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provision(s) shall apply.
11. If any provision, section, subsection, sentence, clause or phrase or section of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions or sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Ordinance are declared to be severable

for that purpose.

- 12. This Ordinance is effective immediately as it is being adopted for the immediate preservation of the public peace, health, and safety, the facts constituting the urgency being set forth in the premises and recitals hereof and of those in Resolution 2014-2, and 2014-9, incorporated herein and attached hereto as Exhibit B.

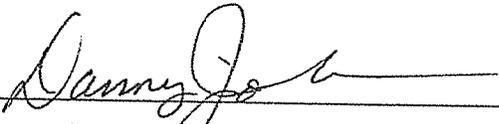
WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on March 9, 2015, by the following vote:

AYES: (4) Johnson, Ross, Hankemeier, and Day

NOES:

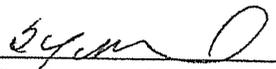
ABSENT: (1) Hedge

ABSTAIN:



 Danny Johnson, President, Board of Directors

ATTEST:



 Syndie Marchesiello, Board Secretary

CERTIFICATE OF SECRETARY

STATE OF CALIFORNIA)
)
 COUNTY OF MARIPOSA)

I, Syndie Marchesiello, the duly appointed and acting Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the District office at 9751 Merced Falls Road, La Grange, CA 95239, on March 9, 2015.

DATED: March 9, 2015. 

 Syndie Marchesiello, Board Secretary

Exhibit A

LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
Water Budget Table

EXHIBIT A RESOLUTION 2015- 15

Persons in Home Full Time	1	2	3	4	5	6
Baseline Water Budget	7	7	9	12	15	18
If Your 2014 Consumption Was:	Then 50% Water Conservation Amounts to (Cons per month):					
8	8	8	9	12	15	18
9	8	8	9	12	15	18
10	9	9	10	12	15	18
11	9	9	10	12	15	18
12	10	10	11	12	15	18
13	10	10	11	13	15	18
14	11	11	12	13	15	18
15	11	11	12	14	15	18
16	12	12	13	14	16	18
17	12	12	13	15	16	18
18	13	13	14	15	17	18
19	13	13	14	16	17	19
20	14	14	15	16	18	19
21	14	14	15	17	18	20
22	15	15	16	17	19	20
23	15	15	16	18	19	21
24	16	16	17	18	20	21
25	16	16	17	19	20	22
26	17	17	18	19	21	22
27	17	17	18	20	21	23
28	18	18	19	20	22	23
29	18	18	19	21	22	24
30	19	19	20	21	23	24
31	19	19	20	22	23	25
32	20	20	21	22	24	25
33	20	20	21	23	24	26
34	21	21	22	23	25	26
35	21	21	22	24	25	27
36	22	22	23	24	26	27
37	22	22	23	25	26	28
38	23	23	24	25	27	28
39	23	23	24	26	27	29
40	24	24	25	26	28	29
41	24	24	25	27	28	30
42	25	25	26	27	29	30
43	25	25	26	28	29	31
44	26	26	27	28	30	31
45	26	26	27	29	30	32
46	27	27	28	29	31	32
47	27	27	28	30	31	33
48	28	28	29	30	32	33
49	28	28	29	31	32	34
50	29	29	30	31	33	34

Exhibit B

RESOLUTION NO. 2014-2

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
DECLARING DROUGHT EMERGENCY**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find:

WHEREAS, the Lake Don Pedro Community Services District ("District") is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, the District provides potable water to the residents in its service area; and

WHEREAS, the District receives surface water from Lake McClure on the Merced River; and

WHEREAS, said water is supplied to the District by Merced Irrigation District (MID); and

WHEREAS, MID holds water right License 11395 issued by the State Water Resources Control Board or its predecessor to regulate the flows of the Merced River through New Exchequer Dam and Lake McClure; and

WHEREAS, water received by the District from MID is subject to all of the conditions imposed on L 11395, including limits on the place of use (POU) of water attributable to the right; and

WHEREAS, the District has a groundwater well located on Ranchito Road (the Ranchito Well) which supplies a small number of service connections outside the MID POU; and

WHEREAS, the District's Engineer has determined that the Ranchito Well cannot supply any more uses than those it currently supplies; and

WHEREAS, the District's Lake McClure intake is set at 700 feet; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late October, 2013, and since that time the District has used a barge mounted floating pumping station to deliver water to the intake for delivery to the District's water treatment and distribution system; and

WHEREAS, the current water level in Lake McClure is 679 feet above mean sea level and the Lake is at 20% of its capacity of 1,024,600 acre-feet; and

WHEREAS, on January 17, 2014, the Governor proclaimed a drought state of emergency; and

WHEREAS, Article X, Section 2 of the California Constitution provides that because of the conditions prevailing in the State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare, and further provides: The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water; and

WHEREAS, pursuant to California Water Code § 106 it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, California Water Code § 350 provides that the governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the health, safety and welfare of all persons receiving water from the District required that the District maintain an uninterrupted water supply from Lake McClure; and

WHEREAS, the Board finds and determines that during periods of drought, water shortages, and other water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water supplies to the fullest extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED by the Board of Directors of the Lake Don Pedro Community Services District, that the District

hereby adopts the following policies to be effective immediately and throughout the duration of the drought emergency:

1. A state of drought emergency is hereby declared for the District, to remain in effect until further action by the Board.
2. Water Conservation Stage 1 ("Stage 1") is hereby declared. Stage 1 applies during periods when the District is able to meet all of the water demands of its customers. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the District. All normal water efficiency programs and water conservation regulations of the District are in full force and effect during this Stage 1. In addition, the measures below are adopted for the duration of the emergency.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. All measures herein are voluntary until further action by the Board.
5. The unreasonable use or unreasonable method of use of water is prohibited. Unreasonable uses of water shall include, but are not limited to, the following:
 - (a) allowing water to leave the service recipient's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;
 - (b) failing to repair a water leak; and
 - (c) using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate public safety or sanitation hazards.
6. Outdoor water use shall conform to the following. Lawns and/or ground covers may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:
 - (a) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays, Mondays, and Wednesdays:
 - (b) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays, Tuesdays, and Thursdays: and
 - (c) watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Fridays and on any day of the week from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.
 - (d) Irrigation timers shall be adjusted to comply with the provisions hereof.
 - (e) Notwithstanding the provisions herein, the use of greywater to irrigate fruit trees, lawns, ground covers, ornamental trees and shrubs is permitted on any day and at any time; provided, however, that greywater may only be used in accordance with all applicable regulations.
 - (f) All open hoses shall be equipped with automatic, positive shut-off nozzles.

- (g) Swimming pools, hot tubs, spas, ponds, and fountains shall be equipped with recirculating pumps.
 - (h) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District.
 - (i) No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
 - (j) No person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.
 - (k) Water customers shall read their water meters at least once each month to monitor their water consumption.
 - (l) Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.
 - (m) Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the District.
 - (n) Restaurants shall not serve water to customers except when specifically requested by the customers.
7. If any provisions of this Resolution are in conflict with each other, District Water Service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.
8. If any provision, section, subsection, sentence, clause or phrase or sections of this Resolution, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions or sections of this Resolution shall not be affected, it being the intent of the Board in adopting this Resolution that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Resolution are declared to be severable for that purpose.
9. This Resolution is effective immediately upon its adoption.

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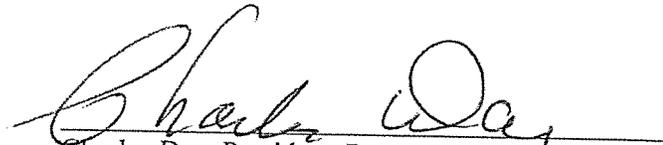
WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on February 18, 2014, by the following vote:

AYES: (4) Day, Afanasiev, Richardson, and Ross

NOES:

ABSENT: (1) Johnson

ABSTAIN:


Charles Day, President, Board of Directors

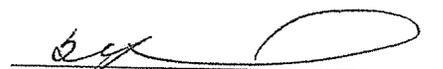
ATTEST:


Syndie Marchesiello, Secretary

CERTIFICATE OF SECRETARY

I, Syndie Marchesiello, the duly appointed and acting Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the District office at 9751 Merced Falls Road, La Grange, CA 95239, on February 18, 2014.

DATED: February 18, 2014.


Syndie Marchesiello, Secretary

Resolution 2014-2 Approved and Adopted February 18, 2014

RESOLUTION NO. 2014-9

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
DECLARING STAGE II DROUGHT EMERGENCY--WATER
WARNING AND IMPLEMENTING APPROPRIATE MANDATORY
WATER CONSERVATION MEASURES**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find and declare as follows:

WHEREAS, the Lake Don Pedro Community Services District ("District") is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, on January 17, 2014, the Governor promulgated Governor's Proclamation No. 1-17-2014 which proclaimed a state of emergency based on the current drought; and

WHEREAS, the Proclamation called on all Californians to reduce their water usage by 20 percent; and

WHEREAS, on April 25, 2014, the Governor issued an Executive Order finding that continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, and additional water scarcity if drought conditions continue into 2015; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board ("SWRCB") adopted Resolution No. 2014-0038, entitled "To Adopt an Emergency Regulation for Statewide Urban Water Conservation;" and

WHEREAS, SWRCB Resolution No. 2014-0038 adopted emergency water conservation regulations imposing mandatory restrictions on outdoor landscape irrigation and other specified uses of water; and

WHEREAS, the emergency regulations adopted by SWRCB Resolution No. 2014-0038 (adopted as California Code of Regulations, Title 23, Sections 863-865, effective July 28, 2014) further provide that, to promote water conservation, each distributor of a public water supply, as defined in Water Code § 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions: (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013; and

WHEREAS, on February 18, 2014, the LDPCSD District Board adopted Resolution No. 2014-2 (attached hereto as Exhibit A), in which the Board declared a drought emergency and adopted primarily voluntary Stage I water conservation measures; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late

October, 2013, and since that time the District has used an emergency barge-mounted floating pump station to deliver water to the intake for delivery to the District's water treatment and distribution system; and

WHEREAS, all of the factors cited in the recitals of Resolution No. 2014-2 remain in effect; and

WHEREAS, the drought conditions cited in Resolution No. 2014-2 have deepened; and

WHEREAS, the current water level in Lake McClure is approximately 599 feet above mean sea level and the Lake is at 7.7% of its capacity of 1,024,600 acre-feet; and

WHEREAS, the District's Lake McClure intake is set at 700 feet and the pumps are currently over 100 feet out of the water; and

WHEREAS, the most current long range weather forecasts issued by the National Oceanic and Atmospheric Administration (NOAA) and verified by California Office of Emergency Services (CAL OES) predict a high probability of continuing and potentially worsening drought conditions for our region; and

WHEREAS, lake level forecasts project water level in Lake McClure will continue to decrease and to be at about 588 feet as of January 1, 2015; and

WHEREAS, it is estimated that the floating pump station will not be able to pump water when the water level in Lake McClure falls below 560 feet, and the quality of remaining water at any elevation below 600 feet is unknown and questionable in its suitability for pumping, treatment and use; and

WHEREAS, by reason of declining water levels in Lake McClure since adoption of Resolution No. 2014-2, projections of lowered water levels in the near future, and the uncertainty of sufficient precipitation during the remainder of 2014 and into 2015, a reasonable probability exists that the District will not be able to meet all of the water demands of its customers; and

WHEREAS, the District has no alternative source of water adequate to meet even minimal system demands for sanitation and firefighting purposes in event water from Lake McClure is depleted and is not available; and

WHEREAS, in anticipation of the shortage of water supply, the District has taken, may or will take the following actions to supplement its existing available water supply with priority based on availability of funding, probability of enhancement of water supply for the health and safety of the community, planning and permitting time, constructability and other factors:

1. Develop plans, construct improvements and procure materials and supplies necessary to extend the floating pump station down to the lowest possible elevation of 560 feet; and
2. Prepare immediate plans to drill additional groundwater wells to maximize the available emergency water supply; and
3. Perform preliminary planning and engineering with the intention to immediately secure funding and if successful implement the construction of a deep water intake at the deepest portion of Lake McClure near McClure Point, which will involve the installation of new intake pumps and over five miles of new pipeline,

- and will provide pumping capabilities well below the current location with its 560 foot elevation restriction; and
4. Expedite water system leak repairs by use of contract labor and other means to reduce water loss from the District system to within industry standards of less than 10%.

WHEREAS, operation of the emergency floating pump barge increases the monthly cost to the District by tens of thousands of dollars and consumes nearly 25% of the available work time of District staff, thereby reducing the capability of District staff to perform needed maintenance work including system leak repairs; and

WHEREAS, the following measures are intended to comply with and exceed to the extent necessary the requirements of SWRCB Resolution No. 2014-0038, in order to preserve existing water supply and promote the public health and safety of all persons who use District services.

NOW, THEREFORE, IN CONSIDERATION OF ALL OF THE FOREGOING, the Board of Directors of the Lake Don Pedro Community Services District does hereby resolve as follows: that the District hereby adopts the following policies to be effective immediately and throughout the longer of (i) the duration of the drought emergency previously declared in Resolution No. 2014-02 or (ii) the water supply warning declared herein or (iii) December 31, 2015:

1. A "Water Supply Warning" is hereby declared and applies during the current period when a reasonable probability exists that the District will not be able to meet all of the water demands of its customers and no adequate alternative water supply is available to the District.
2. Water Conservation Stage 2 is hereby declared as a result of the Water Supply Warning and probability of water supply shortages.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. The District has determined that a thirty percent (30%) reduction in end user water consumption is necessary to preserve available water supply.
5. All measures herein are mandatory until December 31, 2015 or until further action by the Board. All water conservation measures heretofore stipulated and adopted by Resolution No. 2014-2 are now mandatory.
6. Except as otherwise provided herein, all water conservation and drought response measures of Resolution No. 2014-2 shall remain and be in full force and effect.
7. The following mandatory water conservation and drought response measures shall apply effective immediately:
 - (a) **Outdoor irrigation** – The irrigation and watering limitations detailed in Resolution No. 2014-2 is hereby modified and limited to 2 days per week and shall be by means of a properly operating spray, drip irrigation or garden hoses with shut-off valves. Spray irrigation for turf and other ornamentals shall be kept to an absolute minimum to sustain plant life and any runoff from such systems is prohibited.
 - (i) ODD numbered addresses (street numbers ending in 1,3,5,7, or 9) and

- (ii) non-residential customers shall water on Tuesdays and/or Saturdays. EVEN numbered addresses (street numbers ending in 0,2,4,6, or 8) shall water on Wednesdays and/or Sundays.
 - (iii) Winter outdoor irrigation (the period December 1 – March 1) is prohibited.
 - (iv) Watering must occur before 6:00 a.m. and after 7:00 p.m.
 - (v) NO outdoor watering is allowed on Mondays, Thursdays or Fridays.
 - (vi) No new (expanded) landscaping shall be installed on existing or newly developed properties until these restrictions have been reduced or repealed.
 - (vii) The proper installation and use of greywater reuse and rainwater catchment irrigation systems is strongly encouraged.
- (b) Construction operations must seek alternate water supplies first before submitting a request to the District for the rental of a hydrant meter. Construction operations shall not use water unnecessarily for any purpose other than those required by regulatory agencies.
 - (c) Emptying and refilling swimming pools requires permission which shall only be granted one time during any 12-month period and approval from the District must be received in advance.
 - (d) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District within seven days of written notification by the District.
 - (e) Water customers shall read their meters at the frequency necessary to assure compliance with these requirements.
8. **Compliance Determination** - The District shall determine the total amount of water delivered to the property of each District customer for each month in the prior year (the "Base Year Consumption Amount"). Water usage data from additional past years may be considered in the event of anomalies in prior year data.
- (a) Customers using less than seven units of water per month (seven hundred cubic feet or 5,236 gallons) are considered to be in compliance with the 30% reduction mandate.
 - (b) Customers using more than seven units of water are considered to be in compliance with the 30% reduction mandate if any of the following criteria are met:
 - (i) The amount of water used in any month is 30% less than the amount used in the same month during the prior year(s); or
 - (ii) The amount of water used during each month between September through May is less than four units (four hundred cubic feet or 2,992 gallons) per person living full time in the home, plus four units (four hundred cubic feet or 2,992 gallons) for outside water use.
 - (iii) The amount of water used in June, July or August is less than four units (four hundred cubic feet or 2,992 gallons) per person living full time in the home, plus nine units (nine hundred cubic feet or 6,732 gallons) for outside water use.

Customers may submit a written request to the District General Manager that consideration be given to the following in establishing compliance with these requirements:

- More than two persons occupy the home on a full time basis
- That verifiable changes in property ownership have affected water use
- That there has been permanent or temporary increases in occupancy of the property

- That there have been changes in the use of the property
- That plumbing malfunctions and other factors have affected, or could have affected water use in the current or prior year.

(c) The Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue this Water Supply Warning for more than twelve months from the date hereof.

9. The District will review metered water usage data on a monthly basis for the purpose of normal billing and determinations of compliance with these requirements. The intent of any violation enforcement shall be to assist customers in reducing their water consumption and the levy of fines is intended as a last resort to fund the added cost of the increased administrative enforcement effort. The fines described herein are not intended to be used as a revenue generating activity, rather to cover the cost of implementing actions necessary to preserve water supply for public health and safety.

(a) The above restrictions shall be enforced as follows:

First Violation:

Customer will receive a written notice from the District describing the situation, explaining possible actions to reduce future water consumption, and explaining that further violation will result in possible water restrictions and imposing of fines.

Second Violation:

Customer's water service may be restricted by a device installed by the District or discontinuance of water service until the excessive usage is remedied for a period of thirty (30) days and the device will be removed upon payment of the cost of device installation or other required administrative actions, up to a maximum billing of \$250.00.

Third Violation:

Customer's water service shall be restricted to life line or life sustaining rates by a device installed by the District. The device shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of the cost of device installation and other required administrative actions, up to a maximum billing of 500.00.

Variances:

Variances may be granted from any of the above regulations upon application in writing stating in detail the circumstances meriting special consideration. Appeals of decisions by the General Manager may be taken to the Board of Directors.

10. If any provisions of this Ordinance are in conflict with each other, District water service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provision(s) shall apply.

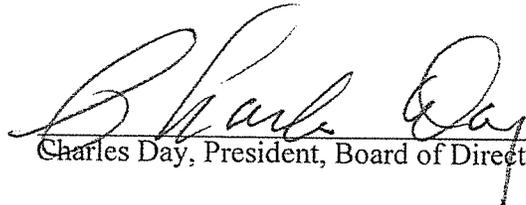
11. If any provision, section, subsection, sentence, clause or phrase or section of this

Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions or sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

12. This Ordinance is effective immediately as it is being adopted for the immediate preservation of the public peace, health, and safety, the facts constituting the urgency being set forth in the premises and recitals hereof and of those in Resolution 2014-2 incorporated herein and attached hereto as Exhibit A.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on December 3, 2014, by the following vote:

AYES: (4) Day, Richardson, Ross, and Johnson
NAYS: (0)
ABSTAIN: (0)
ABSENT: (1) Afanasiev


Charles Day, President, Board of Directors

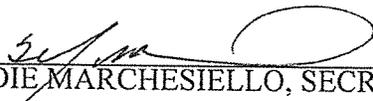
ATTEST:

SYNDIE MARCHESIELLO, SECRETARY

CERTIFICATE OF SECRETARY

I, Syndie Marchesiello, the duly appointed and acting Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Ordinance was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the Don Pedro High School, 3090 Merced Falls Road, La Grange, CA 95239, on December, 3, 2014.

DATED: 12-10, 2014.


SYNDIE MARCHESIELLO, SECRETARY



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 16, 2015

Mr. Bill Croyle
Department of Water Resources
3310 El Camino Avenue
Post Office Box 219000
Sacramento, California 95821-9000
Email: wcroyle@water.ca.gov

Ms. Barbara Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

Re: Merced Irrigation District's Temporary Urgency Change Petition

Dear Mr. Croyle and Ms. Evoy,

The California Department of Fish and Wildlife (Department) has reviewed Merced Irrigation District's (MeID) proposed Temporary Urgency Change Petition (TUCP) request dated April 14, 2015. MeID's TUCP contains three requests:

- a. Reduce flows in the lower Merced River at Shaffer Bridge from 60 cfs to 40 cfs minimum during the months of April and May 2015;
- b. Forgo releasing the 12,500 acre-feet (AF) fall pulse flow in October 2015; and,
- c. Relaxation of the minimum pool requirement of 115,000 AF for the purpose of allowing diversions by the Lake Don Pedro Community Services District (LDPCSD);

Given that MeID has identified that the storage level in Lake McClure, as of April 14, 2015, is 96,060 AF (approximately 9% of capacity), that the California Nevada River Forecast Center estimates approximately 69,100 AF of runoff into McClure during April through July (approximately 12% of average for this time period), and that MeID plans zero deliveries from stored surface water in Lake McClure to their growers in the current water year, the Department concurs with MeIDs' request to lower the minimum instream flows at Schaffer Bridge during the months of April and May 2015, as requested.

Regarding the fall pulse flow, the Department conditionally approves this request at this time with final approval dependent upon the Department's written approval of this

Mr. Bill Croyle
Ms. Barbara Evoy
April 16, 2015
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change by October 1, 2015 to the State Water Resources Control Board. This conditional approval affords the Department the opportunity to consider any hydrologic condition change that may occur between now and the fall time period which will help identify whether or not sufficient storage exists in October 2015 to allow both a fall pulse flow and also base flows through March of 2016.

Finally, regarding MeID's request to allow the continued diversion and use of surface water by the LDPCSD while storage in Lake McClure is less than the minimum regulatory pool requirement of 115,000 AF, the Department concurs with MeID's request to allow continued diversions, not to exceed 600 AF, to meet the health and safety needs of the residents of the LDPCSD, as requested.

Regarding fish rescues, the water temperature levels in the lower Merced downstream of New Exchequer Dam are expected to exceed thresholds that maintain rainbow trout in good condition. As a result of this, the Department will be conducting water temperature and fish abundance monitoring in the lower section of the Merced River (i.e. Crocker-Huffman Dam to Snelling Road Bridge reach) and will conduct rainbow trout fish rescues when temperatures exceed 20°C (i.e. daily average of the daily maximum), similar to that done in 2014. The Department recommends that MeID conduct this same level of monitoring and fish rescue responsiveness for the reach of the lower Merced located between McSwain and Crocker-Huffman dams given the higher water temperatures that are expected in this reach of river.

Lastly, the Department supports efforts to obtain accurate measurement of flow levels in the lower Merced River as well as oversight of legal diversions to ensure that illegal diversions are not occurring.

For additional information please contact Mr. Dean Marston, Environmental Program Manager, at (559) 243-4005 extension 122 or dean.marston@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

ec's: Pages two and three

Mr. John Sweigard, jsweigard@mercedid.org
Merced Irrigation District

Mr. Thomas Howard, thomas.howard@waterboards.ca.gov
Ms. Amanda Montgomery, amanda.montgomery@waterboards.ca.gov
Ms. Amber Villalobos, amber.villalobos@waterboards.ca.gov
California State Water Resources Control Board

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Ms. Barbara Evoy
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Mr. Daniel Welsh, Daniel_Welsh@fws.gov
Mr. Larry Rabin, Larry_Rabin@fws.gov
United States Fish and Wildlife Service

Ms. Rhonda Reed, rhonda.reed@noaa.gov
National Marine Fisheries Service-NOAA

Mr. Joshua Grover, joshua.grover@wildlife.ca.gov
California Department of Fish and Wildlife

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.

See Attachment No. 1

Insert the attachment number here, if applicable:

1

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

April 21, 2015

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?

Yes No

If necessary, provide additional information below:

See Attachment No. 1

Insert the attachment number here, if applicable:

1

Local Permits

For temporary transfers only, you must contact the board of supervisors for the 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.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Not Applicable

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes 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 above? If yes, provide copies. Yes No

If necessary, provide additional information below:

Not Applicable

Insert the attachment number here, if applicable:

Federal and State Permits Not 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 altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Not Applicable

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Not Applicable

Insert the attachment number here, if applicable:

Photographs See Attachment III.

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and 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

Maps See Attachment III.

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 4-2-15 at Merced, CA.

William Steel
Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- Petitions for Change 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.)
- Petitions for Temporary Transfer 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 Temporary Urgency Change to
License 11395 (Application 16186)

DESCRIPTION OF PROPOSED TEMPORARY URGENCY CHANGES

The Merced Irrigation District (District) is filing a Petition for Temporary Urgency Change (Petition) with the Division of Water Rights (Division) to request: 1) a change of the minimum instream flow requirement at Shaffer Bridge during April and May 2015 from an instantaneous flow of 60 cfs to an instantaneous flow of 40 cfs at Shaffer Bridge during this two-month period, 2) allow for continued diversion and use of surface water by Lake Don Pedro Community Services District (LDPCSD) while storage in Lake McClure is less than the minimum pool requirement of 115,000 AF to meet health and safety needs, and 3) relief from providing an additional 12,500 AF in the month of October 2015 under the District's Licenses 11395 and 11396 (Applications 16186 and 16187, respectively). This Petition accompanies coordination with other regulatory agencies, which includes requests for concurrence from: 1) the California Department of Fish and Wildlife (DFW) to reduce the minimum instream flow requirement and relief from the minimum pool requirement under the Agreement between the District and California Department of Fish and Game, dated October 8, 1959, 2) the Federal Energy Regulatory Commission (FERC) for temporary relief under the District's FERC license for its Merced River Hydroelectric Power Project minimum instream flow and minimum pool requirements, and 3) the Department of Water Resources (DWR) for temporary relief of the minimum pool requirement in the Davis-Grunsky Agreement between the District and DWR.

The Central Valley Regional Water Quality Control Board (CVRWQCB) was contacted in order to discuss the proposed temporary water transfer under License 11395; however, we have not been able to discuss the Petition at this time. Copies of this petition have been provided to Dean Marston (559-243-4005) of DFW and Matt Scroggins (559-445-6042) of the CVRWQCB Fresno Office.

PHOTOGRAPHS

Attached are photographs depicting the current reservoir conditions at Lake McClure. The existing facilities are well known and documented with the Division. Therefore, photographs of these points of diversion and places of use are not included.

MAPS

The present points of diversion, points of rediversion, and places of use are shown on maps filed with the Division for License 11395.

AB/jp

5520/WATER RIGHTS/TUCP/SPRING 2015/DRAFT ATTACHMENT TO ENV INFO FORM_REV JP 2015-04-09



Merced Irrigation District
Petition for Temporary Urgency Change – April 2015



**Merced Irrigation District
Petition for Temporary Urgency Change – April 2015**