



Water Resources ♦ Flood Control ♦ Water Rights

~~KDM~~
A001224 &
A016186

ANGUS NORMAN MURRAY
1913 - 1985

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

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

September 4, 2007

Ms. Victoria Whitney, Chief
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

STATE WATER RESOURCES
CONTROL BOARD
2007 SEP -4 PM 3:33
DIV. OF WATER RIGHTS
SACRAMENTO

**Subject: Merced Irrigation District Petition for Change under
Licenses 2685 and 11395 (Applications 1224 and 16186, respectively)**

Dear Ms. Whitney:

On behalf of Merced Irrigation District (Merced), enclosed are the following:

1. Petition for Change Form (original and one copy) together with a map (one original Mylar and one copy).
2. Environmental Information Form (original and one copy).
3. Check in the amount of \$10,300 to cover the Petition fees.
4. Check in the amount of \$850 to cover the fee for the Department of Fish and Game.

We are submitting this Petition for Change in accordance with the report by the Division of Water Rights (Division) following the inspection conducted by Division staff in 2001, Amended Water Right Order 2004-0041-DWR, and requests by your staff. The proposed change to Merced's licenses would authorize the release and use of stored water to satisfy the terms of the Cowell Agreement (Agreement). The Agreement, dated January 27, 1926, represents a litigated settlement of certain riparian and pre-1914 claims and quantified those water rights on the Merced River. The Agreement stipulates a scheduled quantity of flow rates, measured at Crocker-Huffman Dam, to be maintained by Merced. At certain times, Merced has been required to supplement downstream flows in the Merced River with releases from storage when inflow to Lake McClure is insufficient to satisfy these flow requirements downstream of the Crocker-Huffman Diversion Dam. Merced does not coordinate or deliver water to the individual diverters named in the Agreement. The approval of this requested change will represent no change to the historical or current operations of Merced as these operations have been occurring pursuant to the Agreement and Merced County Superior Court Order since 1926.

9-4-07
\$10,300.00
\$850.00
JF

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

Sincerely,
MBK ENGINEERS



Darren Cordova

DC/pp
5520/VICTORIA WHITNEY 2007-09-04.DOC

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

STATE WATER RESOURCES
CONTROL BOARD

2007 SEP -4 PM 3:33

PETITION FOR CHANGE
(WATER CODE 1700)

DIV OF WATER RIGHTS
SACRAMENTO

____ Point of Diversion, Point of Rediversion, Place of Use, ____ Purpose of Use
Application 1224 Permit 914 License 2685 Statement or Other ____
16186 12825 11395

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present See Attachment

Proposed See Attachment

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present See Attachment

Proposed See Attachment

Purpose of Use

Present No Change Requested

Proposed No Change Requested

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? No

(yes/no)

• GIVE REASON FOR PROPOSED CHANGE: See Attachment

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No

• WATER WILL BE USED FOR Irrigation, domestic, and stock watering ^(yes/no) PURPOSES.

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

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No
(yes/no)

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

See Attachment

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.

We are aware of no person (s) affected by the proposed change.

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

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

Dated Sept. 4, 20 07 at Sacramento, California

(916) 456-4400

Marc Van Camp, Agent Signature(s)

Telephone No.

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

DFG 7 9/4/2007
\$850.00
DC

9/4/2007
\$10,300.00
DC

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at: <http://waterrights.ca.gov>

**Attachment to Petition for Change
Licenses 2685 and 11395 (Applications 1224 and 16186, respectively)
held by Merced Irrigation District**

GENERAL / BACKGROUND

The Merced Irrigation District (Merced) is filing this petition in accordance with the direction provided by the Division of Water Rights (Division). On January 27, 1926, Merced and numerous downstream water users entered into an agreement, known as the Cowell Agreement (Agreement), the purpose of which was to settle litigated riparian and pre-1914 claims downstream of the then-proposed Exchequer Dam. The Agreement was incorporated into the Judgment of the Superior Court of California, County of Merced, dated March 20, 1926, and thus Merced's compliance with the Agreement is mandated by court order. The Agreement settled potential water right issues and facilitated the continued development of Merced projects. Merced, in developing and operating its Project, including New Exchequer Dam, has adhered to this Agreement, for its entire history, including permitting, licensing, expansion, and operation. Merced believes this petition should be considered an administrative change, as it represents a change in the Division's interpretative position since the time of licensing the water rights of Merced, and not a change of operations by Merced.

The Division has advised Merced that lands covered under the Agreement need to be included in Merced's licenses to authorize the occasional use of stored water even though Merced is merely releasing the water to the Merced River pursuant to the Agreement. To correct the new technical issue and meet the Division's request relative to the place of use, Merced has coordinated with the Cowell Agreement Diverters (CADs) during the past four years and provided several updates to Division staff identifying the progress between Merced and the CADs to form the new CAD organization.

Merced is required to maintain specified flows in the Merced River as a result of the Agreement. The terms of the Agreement provide the signatory landowners a schedule of water that would be made available in every year for diversion. Pursuant to the Agreement, the flow of the Merced River must be maintained by Merced to meet a specified flow schedule. These flows are measured at the Crocker-Huffman Diversion Dam in addition to Merced's other existing downstream commitments. Merced has historically bypassed water or made releases from Lake McClure to meet the required Merced River flows. The downstream parties to the Agreement have diverted water through their own existing facilities pursuant to water rights identified in the Agreement. Historical diversions of any stored water by the CADs occurred pursuant to the Agreement and individual water rights. The period and quantity of releases from storage for rediversion pursuant to the Agreement depends upon hydrologic conditions. Diversions set out in the Agreement occurred prior to 1926, and undoubtedly prior to 1914. No additional or new use of water is occurring as a result of filing this petition. No new land will be brought into production as a result of this petition.

This petition involves the continued diversion of surface water pursuant to the Agreement through existing facilities, which does not involve a change in the timing and points of return

flow, nor a change in the purposes of use authorized by Licenses 2685 and 11395. Merced is required to release water from storage pursuant to its other existing downstream commitments; and thus, there will be no downstream effects from the proposed change relative to water quality or instream flows. Merced is not proposing to increase the quantity of water collected to storage in order to satisfy the terms of the Agreement nor are any new lands proposed to be placed into production. There will be no effect on fish, wildlife, or other instream beneficial uses as a result of this petition because Merced has historically provided the flows required by the terms of the Agreement. In addition, there will be no change to the historical or current operations of Merced as a result of this petition.

Absent authorization from the Division of this proposed change, Merced would continue to meet its other existing downstream commitments, which are measured downstream from the diversions made pursuant to the Agreement. In this case, it is likely that these diversions would continue pursuant to the Agreement and Judgment by the Superior Court and therefore, the surface water would continue to be used as it has in the past. If these diversions by the CADs were to cease, Merced could reduce releases and continue to meet its other existing downstream commitments. Under this scenario, the quantity released from storage to meet the rates identified in the Agreement would be held in storage in New Exchequer Reservoir. Thus, absent the approval of this petition, water would be consumptively used or would be stored in Merced's existing facilities pursuant to its water rights.

POINT OF DIVERSION OR REDIVERSION

Present Points of Diversion:

License 2685

New Exchequer Dam (Lake McClure)

The point of diversion to storage of such water is located South thirty-eight degrees, no minutes West (S 38° 00' W), thirty eight hundred (3800) feet from the NE corner of Section 13, T4S, R15E, MBD&M, being within the NW ¼ of SE ¼ of said Section 13 in Mariposa County.

Merced Falls Diversion Dam for Northside Canal

Point of direct diversion and rediversion of stored water from Merced River for Northside Canal is located North sixty eight degrees, no minutes West (N 68° 0' W) twenty seven hundred fifty (2750) feet from the SE corner of Section 4, T5S, R15E, MDB&M., being within the SW ¼ of SE ¼ of Section 7 in Merced County.

Crocker-Huffman Diversion Dam for Main Canal

Point of direct diversion and rediversion of stored water from Merced River for Main Canal is located North forty seven degrees, thirty minutes East (N 47° 30'E) twenty eight

hundred thirty (2830) feet from the SW corner of Section 7, T5S, R15E, MDB&M, being within the NE ¼ of SW ¼ of said Section 7 in Merced County.

Mariposa Town Planning Area

Point of direct diversion from Merced River for Mariposa Town Planning Area Main is located at a point North 48°34'35" West 1,113 feet from SE corner of Section 9, within the SE ¼ of the SE ¼ of Section 9, T4S, R18E, MDB&M in Merced County.

License 11395

By California Coordinate System of 1927 Zone 3:

New Exchequer Dam (Lake McClure) – North 42°11'03" West 3,089.69 feet from SE corner of Section 13, T4S, R15E, MDB&M, being within NW ¼ of SE ¼ of said Section 13 and,

McSwain Dam – North 80°36'38" West 2,275.01 feet from SE corner of Section 3, T5S, R15E, MDB&M, being within SW ¼ of SE ¼ of said Section 3.

Present Points of Rediversion:

License 2685

Merced Falls Diversion Dam for Northside Canal

Point of direct diversion and rediversion of stored water from Merced River for Northside Canal is located North sixty eight degrees, no minutes West (N 68° 0' W) twenty seven hundred fifty (2750) feet from the SE corner of Section 4, T5S, R15E, MDB&M., being within the SW ¼ of SE ¼ of Section 7 in Merced County.

Crocker-Huffman Diversion Dam for Main Canal

Point of direct diversion and rediversion of stored water from Merced River for Main Canal is located North forty seven degrees, thirty minutes East (N 47° 30'E) twenty eight hundred thirty (2830) feet from the SW corner of Section 7, T5S, R15E, MDB&M, being within the NE ¼ of SW ¼ of said Section 7 in Merced County.

Duck Slough (formerly El Nido Irrigation District)

Point of rediversion located on Duck Slough at a point 100 feet North and 50 feet East of ¼ Cor. Sections 10 and 11, T8S, R14E, within the SW ¼ of the NW ¼ Section 11, T8S, R14E, MDB&M in Merced County. This point of rediversion is associated with the former place of use for El Nido Irrigation District described below and in Licenses 6032 and 9429 (Applications 8238 and 18774), formerly held by El Nido Irrigation District and hereby transferred to Merced Irrigation District.

License 11395

McSwain Dam - North 80°36'38" West 2,275.01 feet from SE corner of Section 3, T5S, R15E, MDB&M, being within SW ¼ of SE ¼ of said Section 3,

Merced Falls Diversion Dam for Northside Canal – North 67 °00'00" West 2,760 feet from SE corner of Section 4, T5S, R15E, MDB&M, being within SW ¼ of SE ¼ of said Section 4 and

Crocker-Huffman Diversion Dam for Main Canal, Trout Farm and Salmon Spawning Channel – South 24 °00'00" East 2,700 feet from NW corner of Section 7, T5S, R15E, MDB&M, being within SW ¼ of NW ¼ of said Section 7.

Duck Slough - At a point 100 feet North and 50 feet East of ¼ Cor. Sections 10 and 11, T8S, R14E, within the SW ¼ of the NW ¼ Section 11, T8S, R14E, MDB&M in Merced County.

Proposed Points of Diversion:

No change in the present points of diversion identified in Licenses 2685 and 11395 are proposed.

Proposed Points of Rediversion:

No change in the present points of rediversion identified in Licenses 2685 and 11395 are proposed. The points of rediversion listed below are proposed to be added to Licenses 2685 and 11395. These points of rediversion have been identified as the most practical location of control. These consist of gate structures, culverts, or pumps near the banks of the Merced River. In some cases, temporary partial barriers are used in the Merced River to facilitate rediversion at the points identified below:

Point of Rediversion No. 1 (Canevaro Ditch Culvert at right bank of Merced River)
Northing: 2011000 Easting: 6592286 being within the NE ¼ of NE ¼ of Section 11, T5S, R14E, MDB&M.

Point of Rediversion No. 2 (Robinson/Cuneo Ditch culvert at left bank of natural channel from Merced River)
Northing: 2011439 Easting: 6585108 being within the NW ¼ of NE ¼ of Section 10, T5S, R14E, MDB&M.

Point of Rediversion No. 3 (Ruddle Ditch gabion structure at right bank of Merced River)
Northing: 2010970 Easting: 6579902 being within the NW ¼ of NE ¼ of Section 9, T5S, R14E, MDB&M.

Point of Rediversion No. 4 (Dale/Scott Ditch headworks at right bank of Merced River)
Northing: 2009256 Easting: 6577109 being within the NW ¼ of SW ¼ of Section 9, T5S,
R14E, MDB&M.

Point of Rediversion No. 5 (Jorgenson/Ferrell Ditch headworks at right bank of Merced
River)
Northing: 2006229 Easting: 6575447 being within the NE ¼ of NE ¼ of Section 17, T5S,
R14E, MDB&M.

Point of Rediversion No. 6 (Cowell Ditch culvert at right bank of Merced River)
Northing: 2003308 Easting: 6571421 being within the NW ¼ of SW ¼ of Section 17,
T5S, R14E, MDB&M.

Point of Rediversion No. 7 (Bettencourt/Shaffer/Griffith Ditch headworks in channel
near left bank of Merced River)
Northing: 1991089 Easting: 6546343 being within the SE ¼ of SW ¼ of Section 28, T5S,
R13E, MDB&M.

Point of Rediversion No. 8 (Gate structure in channel near left bank of Merced River)
Northing: 1993649 Easting: 6546164 being within the SW ¼ of the NW ¼ Section 28,
T5S, R13E, MDB&M.

Point of Rediversion No. 9 (Culvert at left bank of Merced River)
Northing: 1993630 Easting: 6542361 being within the SW ¼ of NE ¼ of Section 29,
T5S, R13E, MDB&M.

Point of Rediversion No. 10 (Schmidt Pump at right bank of Merced River)
Northing: 1992629 Easting: 6532529 being within the NW ¼ of SE ¼ of Section 25,
T5S, R12E, MDB&M.

Point of Rediversion No. 11 (Frazier Pump at right bank of Merced River)
Northing: 1991458 Easting: 6532469 being within the SW ¼ of SE ¼ of Section 25, T5S,
R12E, MDB&M.

PLACE OF USE

Present Places of Use:

License 2685

Domestic and irrigation purposes on 164,395 gross acreage within the boundaries of
Merced Irrigation District as shown on map of District filed with the Division of Water Rights
December 11, 1942.

Municipal use to 1,900 acres known as the Mariposa Town Planning Area, located within portions of projected Sections 9, 10, 11, 14, 15, 16, 22, 23, 24, 25, 26, and 36, T5S, R18E, MDB&M, as shown on a map on file with the State Water Resources Control Board dated May 1, 1995.

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

License 11395

Irrigation of 131,953 acres within a gross area of 154,394 acres within the boundaries of the Merced Irrigation District and a 55 acre golf course within the service area of Sierra Highlands Water Company.

Domestic use at homesites within the service area of Sierra Highlands Water Company and at homesites and recreational facilities adjacent to Lake McSwain and Lake McClure including McClure Point, McClure Boat Club and Barrett Cove.

Fish culture at Licensee's salmon spawning channel and at a privately operated trout farm.

Recreational use and fish and wildlife enhancement in and around lakes McClure and McSwain.

The places of use are shown on map entitled "Official Map of the Merced Irrigation District - 1973" and other maps filed with State Water Resources Control Board.

Proposed Place of Use:

No change to the present places of use identified in Licenses 2685 and 11395 are proposed. The lands proposed to be added to the place of use under Licenses 2685 and 11395 include 20,700 acres, as shown on the map accompanying this petition, being within T5S, R12E; T5S, R13E; T5S, R14E; T5S, R15E, and T6S, R12E, MDB&M.

GIVE REASON FOR PROPOSED CHANGE

The reason for the proposed change is to satisfy the Division's request by petitioning to authorize use of Merced's stored water consistent with the 1926 Agreement and Superior Court Order.

ACCESS TO PROPOSED POINTS OF DIVERSION OR CONTROL OF PLACE OF USE

No change in the points of diversion identified in Licenses 2685 and 11395 are proposed. In order to correct the technicality relative to the place of use, Merced has coordinated with the CADs during the past four years to form the new CAD organization. Through this process, Merced and the CADs have agreed that coordination of daily operations is necessary in order to ensure that the Agreement is complied with. The contact information for the CADs is as follows:

Cowell Agreement Diverters
c/o Gary Sawyers
Sawyers & Holland, LLP
6715 N. Palm Ave., Suite 116
Fresno, CA 93704
559-438-5656

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

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

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

STATE WATER RESOURCES CONTROL BOARD

2007 SEP -4 PM 3: 38

DIV. OF WATER RIGHTS SACRAMENTO

ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Petition for Extension of Time

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

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

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

Multiple horizontal lines for text entry.

See Attachment No. 1

ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

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

Person contacted: _____ Date of contact: _____

Department: _____ Telephone: (____) _____

County Zoning Designation: Agriculture

Are any county permits required for your project? YES NO If YES, check appropriate box below:

Grading permit Use permit Watercourse Obstruction permit Change of zoning

General plan change Other (explain): _____

b. Have you obtained any of the required permits described above? YES NO Not applicable.

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

See Attachment No. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS Not applicable.

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

Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management

Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams) Reclamation Board

Coastal Commission State Lands Commission Other (specify) _____

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. ____

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO

If YES, explain: _____

See Attachment No. ____

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
If YES, name and telephone number of contact: Tim Heyne (209) 853-2533

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? YES NO
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____
- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.*
 - I expect that the SWRCB will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

See Attachment No. ____

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

** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?
 YES NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. ____

- b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used? Not applicable.

See Attachment No. ____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area? YES NO

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: _____

See Attachment No. ____

7. ENVIRONMENTAL SETTING See Attachment No.1

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

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: Sept. 4, 2007

Signature: 
Marc Van Camp, Agent

**Attachment No. 1
to Environmental Information for
Petition for Change to
Licenses 2685 and 11395 (Applications 1224 and 16186, respectively)
held by Merced Irrigation District**

1. DESCRIPTION OF PROJECT

The Merced Irrigation District (Merced) is petitioning to add points of diversion and places of use operated by the parties historically diverting water under the Cowell Agreement (Agreement) entered into in connection with a Merced County Superior Court Order dated March 20, 1926. The Agreement represents a litigated settlement of certain riparian and/or pre-1914 water right claims to the Merced River. The Agreement stipulates a scheduled quantity of flow rates, measured at Crocker-Huffman Dam, to be maintained by Merced. Merced is responsible for maintaining the schedule of flows in the Merced River as outlined in the Agreement and does not coordinate or deliver water to the individual diverters named in the Agreement. There will be no change to the historical or current operations of Merced or the downstream water users as a result of this petition. The purpose of this petition is to authorize the storage releases made by Merced to satisfy the Agreement under certain limited circumstances pursuant to the request of the Division of Water Rights. For this reason, there is no physical change in Merced's facilities or operation, or the downstream diversions made pursuant to the Agreement.

7. ENVIRONMENTAL SETTING

There are no proposed points of diversion and thus, we have not included photographs relative to these items. Attached are photographs of typical irrigated lands within the proposed place of use identified in the petition.



View of typical lands irrigated with water diverted pursuant to the Cowell Agreement.



View to the southwest of typical lands irrigated pursuant to the Cowell Agreement at a location approximately two miles north of the intersection of Coxbury and Turlock Road.

Cowell Agreement Diverters Site Visit – July 2007