

**MID** MERCED IRRIGATION DISTRICT

MVS  
16186

December 10, 2001

Mr. Ed Anton, Chief  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

Dear Mr. Anton:

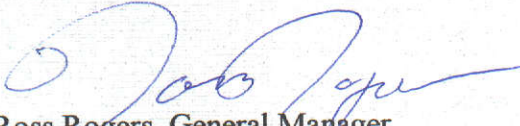
Enclosed is a petition for change and the required environmental information form for the inclusion of the Merced National Wildlife Refuge (MNWR) in the place of use under License 11395 (Application 16186) of Merced Irrigation District (Merced). Merced is requesting the change in order to comply with its FERC license which requires the delivery of up to 15,000 AF per year to the MNWR.

Attached to the petition is a copy of a portion of the Santa Rita Park, 15' US Geological Survey quadrangle showing the proposed point of redirection and addition to the place of use. We understand your staff will provide us and Marc Van Camp of MBK Engineers a copy of the current map on file for License 11395. Marc Van Camp will review this map with your staff to determine how best to prepare a map to accompany the attached petition. Upon review, we may decide to prepare a separate, additional map to accompany the petition.

Enclosed is a check for \$100 for the petition fee. Also enclosed is a check for \$850 payable to the Department of Fish & Game.

Please call if you have any questions.

Sincerely,  
MERCED IRRIGATION DISTRICT



Ross Rogers, General Manager

MVC/mv  
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Enclosures

cc: Mr. Ken Robbins  
Mr. Marc Van Camp  
Mr. Roger Guinee, USFWS

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
Info: (916) 657-2170, FAX: (916) 657-1485, Web: http://www.waterrights.ca.gov

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO  
2001 DEC 11 PM 4:23

**PETITION FOR CHANGE**  
(WATER CODE 1700)

Application 16186 Point of Diversion,  Point of Rediversion,  Place of Use,  Purpose of Use  
Permit  License 11395 Statement or Other

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 New Exchequer Dam & McSwain Dam (PODs): Crocker-Huffman Diversion (PORD)  
Proposed No change in POD. add Deadman Creek as Point of Rediversion (see attachment)

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

Present Merced Irrigation District

Proposed Include Merced National Wildlife Refuge (see attachment)

**Purpose of Use**

Present Irrigation, Domestic, Recreational, Fish & Wildlife Protection & Enhancement & Fish Culture.  
Proposed No change

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)? Yes

GIVE REASON FOR PROPOSED CHANGE: MID is required by its FERC license to deliver up to 15,000

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

WATER WILL BE USED FOR Fish & Wildlife Protection & Enhancement PURPOSES.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of? (see attachment)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No

If by lease or agreement, state the name and address of party(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.

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

**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 Dec 10, 2001 at Merced, Calif., California

Signature(s) [Signature] Telephone No. 209-722- [Redacted] 2761

**NOTE:** A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

12/11/01  
\$100.00  
\$850.00  
EDC

**AMENDED ATTACHMENT TO PETITION FOR CHANGE  
FOR  
MERCED IRRIGATION DISTRICT**

**Point of Diversion or Rediversion**

The proposed point of rediversion is located on Deadman Creek at a point described as follows:

2,450' north and 3,050' east from the SW corner of Section 2, T9S, R12E, MDB&M,  
being within the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 2.

This property is owned by the US Fish & Wildlife Service

**Place of Use**

The proposed place of use is to include the Merced National Wildlife Refuge which is described in the attached table. The total area proposed to be included within the place of use is 4,160 acres.

| <b>USE IS WITHIN</b>               | <b>SECTION</b> | <b>TOWNSHIP</b> | <b>RANGE</b> | <b>BASE &amp; MERIDIAN</b> | <b>NUMBER OF ACRES</b> |
|------------------------------------|----------------|-----------------|--------------|----------------------------|------------------------|
| S $\frac{1}{2}$                    | 25             | 8S              | 12E          | MD                         | 320                    |
| All                                | 35             | 8S              | 12E          | MD                         | 640                    |
| All                                | 36             | 8S              | 12E          | MD                         | 640                    |
| All                                | 1              | 9S              | 12E          | MD                         | 640                    |
| All                                | 2              | 9S              | 12E          | MD                         | 640                    |
| All                                | 3              | 9S              | 12E          | MD                         | 640                    |
| E $\frac{1}{2}$                    | 4              | 9S              | 12E          | MD                         | 320                    |
| N $\frac{1}{2}$ of N $\frac{1}{2}$ | 11             | 9S              | 12E          | MD                         | 160                    |
| N $\frac{1}{2}$ of N $\frac{1}{2}$ | 12             | 9S              | 12E          | MD                         | 160                    |
| <b>TOTAL</b>                       |                |                 |              |                            | <b>4,160</b>           |

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State Water Resources Control Board  
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**ENVIRONMENTAL INFORMATION  
FOR PETITIONS**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 16186

PERMIT NO.

LICENSE NO. 11395

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DISCRIPTION OF CHANGES TO PROJECT

1. 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, changes in land use, and project operational changes, including changes in how the water will be used. In accordance with Article 45 of MID's FERC License, MID is required to provide up to 15,000 AF annually from the Merced River Development Project (Project) to the Merced National Wildlife Refuge (MNWR). In order to meet its FERC requirement, by order of FERC, the MID constructed a water delivery system in 1995 to the MNWR which is owned, operated and maintained by the US Fish & Wildlife Service (USFWS). A maximum flow of 45 cubic feet per second (cfs), delivered at the MNWR boundary, must be provided each year by MID. The delivery system constructed by MID by order of FERC included: (1) the enlargement of the MID's Benedict Lateral; (2) a connection from the lateral to Deadman Creek; (3) the use of Deadman Creek as a conveyance for approximately 2.5 miles to the MNWR easterly boundary; (3) a "fuse plug" earthen dam at that location with inlet works; (4) two lift pumps and appurtenances that provides water to; (5) a surface canal which enters at the northeast corner of the "historic" refuge. Since completion of the conveyance system by MID as described in 1995,

(continued on attachment)



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Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: \_\_\_\_\_
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If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? No  
Person contacted \_\_\_\_\_ Date of contact \_\_\_\_\_  
What method of treatment and disposal will be used? \_\_\_\_\_

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6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No

Do you know of any archeological or historic sites located within the general project area?  
No If so, explain: \_\_\_\_\_

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#### ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

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

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by \* under Question 11 below):

Tree Dominated Communities

- Subalpine Conifer
- Red Fir
- Lodgepole Pine
- Mixed Conifer
  - Sierran Mixed Conifer
  - White Fir
  - Klamath Mixed Conifer
- Douglas-Fir
- Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- Juniper
- Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
  - Blue Oak Woodland
  - \* Valley Oak Woodland
  - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
  - Blue Oak-Digger Pine
- Eucalyptus
- Montane Riparian
- \* Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities

- Alpine Dwarf-Shrub
- Low Sage
- Bitterbrush
- Sagebrush
- Montane Chaparral
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities

- \* Annual Grassland
- \* Perennial Grassland
- Wet Meadow
- \* Fresh Emergent Wetland
- Saline Emergent Wetland
- \* Pasture

Aquatic Communities

- \* Riverine
- \* Lacustrine
- Estuarine
- Marine

Developed Communities

- \* Cropland
- \* Orchard-Vineyard
- Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

None

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FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

Trout, salmon, bass and resident fish. No affect to the fish species or their habitat will occur as a result of this proposed change.

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11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by \* below):

No impacts will occur as a result of construction of the measuring facility at the MNWR boundary.

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The change in place of use will provide a reliable water supply to the MNWR which will benefit riparian and terrestrial wildlife.

\*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? NO

If so, explain: Grading and construction activity has taken place in Deadman Creek to facilitate the delivery of water to the MNWR. This has been completed with the assistance of the US Fish & Wildlife Service and is considered insignificant.

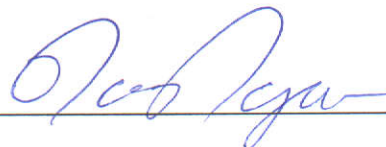
#### CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits 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

Dec 10, 2001

Signature



**ATTACHMENT TO ENVIRONMENTAL INFORMATION FORM  
FOR  
PETITION FOR CHANGE  
FOR  
MERCED IRRIGATION DISTRICT**

Merced has completed the facilities as described in Item 1 of the Environmental Form. All required permits and environmental documentation were completed or obtained by either Merced or the US Fish & Wildlife Service (USFWS). Because of recent action taken by the USFWS and FERC, Merced will be constructing a measuring facility in Deadman Creek. Responses to questions in this Environmental Form are relative to this construction activity to facilitate compliance with FERC orders.

1. (Continued from form) . . . the USFWS has removed Items 3 through 5. MID is now required by FERC (letter dated 08/22/01) to construct a measuring weir at the refuge delivery point, including appropriate measuring devices and telemetry to monitor/measure flows to the refuge in real time (SCADA). Construction of the weir and appurtenances is expected in 2002.

There are two small existing earthen dams in Deadman Creek downstream of the outlet of the Benedict Lateral to Deadman Creek. These earthen dams were constructed by adjacent property owners who use Deadman Creek as a storage reservoir for tail water return flows. The construction of the delivery system required the installation of flashboard risers and culverts through each of the earthen dams to allow a 45 cfs flow of water to pass through the dams in the creek.

There will be no changes in land use or irrigated acreage as a result of delivering the 15,000 AF to the MNWR.

MVC/mv

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