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DEPARTMENT OF FISH AND GAME
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8 STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD
1401 - 21st Street
9 P. O. Box 1592
10 Sacramento 7, California

11 In the matter of	}	<u>STIPULATION AND AGREEMENT</u>
12 Applications 16186 and 16187		
13 MERCED IRRIGATION DISTRICT,		
14 Applicant		
15 CALIFORNIA DEPARTMENT OF	SOURCE: Merced River	
16 FISH AND GAME,	COUNTY: Merced/Mariposa	
17 Protestant		

18 In order to protect and preserve the fish and wildlife resources
19 existing in and around the Merced River and in conjunction with applications
20 16186 and 16187 now pending before the State Water Rights Board wherein the
21 applicant proposes construction of:

22 (1) Snelling Dam, a cobble fill structure, 110 feet high, and
23 3,500 feet long in the crest to be located about nine miles below Exchequer
24 Dam in Merced County; said dam at maximum water elevation of 400 feet to have
25 a capacity of approximately 190,000 acre feet covering 4,000 surface acres;
26 and said dam to be principally for the purpose of holding water for irrigation
27 releases but also to have a power installation with approximately 25,000 K.W.
28 capacity.

29 (2) An enlargement of the existing dam at Exchequer an additional
30 157 feet in height to an elevation of 373 feet; said enlargement increasing
31 the storage capacity from 281,000 acre feet to approximately one million acre
32 feet; and the surface area of said enlarged Exchequer Reservoir to be approxi-

1 mately 6,800 acres, at elevation 865 feet; and said enlarged dam to have a
2 power installation at the toe of the dam of 91,000 K.W.;

3 (3) Bagby Dam, a rock fill structure with a concrete face, 403
4 feet high with a crest length of 1,600 feet, to be located approximately 1/2
5 mile below the town of Bagby, County of Mariposa; said dam to impound approxi-
6 mately 415,000 acre feet at elevation 1,160 feet with a surface area of 3,200
7 acres; and said dam to have a power installation at the downstream toe of
8 approximately 50,000 K.W.;

9 IT IS HEREBY STIPULATED AND AGREED by and between the applicant,
10 MERCED IRRIGATION DISTRICT (hereinafter called District), its successors
11 and assigns, and the protestant, STATE OF CALIFORNIA, acting by and through
12 its DEPARTMENT OF FISH AND GAME (hereinafter called Department), as follows:

13 I

14 That for the protection, propagation and preservation of fish and
15 wildlife and in partial compensation for the loss by inundation of valuable
16 spawning beds and large natural trout, salmon, and warmwater fisheries above
17 the respective dam sites caused by the construction of said dams and the
18 formation of reservoirs behind said dams, the District shall at all times
19 bypass into the natural stream bed of the Merced River immediately below
20 Bagby Dam a minimum flow of 20 cfs whenever more than 1/4 mile of stream is
21 exposed by lowering the water level of Exchequer Reservoir.

22 II

23 That for the protection, propagation and preservation of fish and
24 wildlife, the District shall bypass or release into the natural stream bed
25 of the Merced River immediately below District's Exchequer Dam, except in
26 emergencies or unless otherwise provided, a minimum flow of 50 cfs at all
27 times during non-dry years and 25 cfs during dry years; provided that during
28 the period October 16 through December 31 of each year, all releases from
29 Exchequer Dam shall be made insofar as possible from a center line elevation
30 of 485 feet or lower.

31 For the purposes of this agreement, a dry year is defined as any
32 twelve-month period following a forecast in the April 1 bulletin of the

1 California Department of Water Resources, and adjusted in accordance with the
2 May 1 bulletin, in which the unimpaired runoff for the station at Exchequer
3 is less than 450,000 acre feet for the period April 1 through July 31.

4 An emergency is defined as an occurrence, usually of short duration,
5 such as a flood condition, a mechanical or other operational failure beyond
6 control of the District, which would prevent compliance with flow and opera-
7 tional terms matter of this agreement.

8 III

9 That for the protection, propagation and preservation of fish and
10 wildlife, District shall bypass or release into the natural stream bed of the
11 Merced River immediately below District's Snelling Dam during the periods
12 hereinafter specified sufficient water to maintain the following minimum flows
13 at Shaffer Bridge (Montpellier Road crossing about 5 miles upstream from
14 Cressey):

(1)	Period	Non-Dry Year (cfs)	Dry Year (As Defined Herein) (cfs)
	June 1 through October 15	25	15
	October 16 through October 31	75	60
	November 1 through December 31	100	75
	January 1 through May 31	75	60

21 Provided, however, during the period November 1 through December 31,
22 of each year, flows measured at said Shaffer Bridge shall be maintained insofar
23 as possible within the range of 100 to 200 cfs during non-dry years, and 75
24 to 150 cfs during dry years as herein before defined; provided that if said
25 November 1 through December 31 flows in any year (dry or non-dry) average
26 greater than 150 cfs exclusive of flood control and other emergency releases,
27 then the flow during January 1 through March 31, as measured at Shaffer Bridge,
28 shall be maintained at 100 cfs or more.

29 (2) Flows below Snelling Dam shall not be increased by more than
30 double or reduced by more than 1/2 in any one-hour period.

31 IV

32 The District shall maintain the water surface elevation in its

1 reservoirs as high as possible, consistent with operational demands throughout
2 the period April through October each year, and shall maintain minimum pools
3 of the following capacities for operation of the project and maintenance of
4 fish and wildlife:

5	Bagby Reservoir	30,000	Acre Feet
6	Exchequer Reservoir	115,000	Acre Feet
7	Snelling Reservoir	20,000	Acre Feet

8 V

9 The District shall control the operation of its reservoirs insofar
10 as possible to provide water temperatures satisfactory for salmon reproduction
11 in the Merced River below Snelling Dam during the period October 16 through
12 December 31 of each year.

13 VI

14 The District shall conduct the normal operation of its reservoirs
15 as to avoid the sudden release of large flows into channels other than those
16 used as forebays and afterbays and in the event of emergencies shall, insofar
17 as possible, avoid changes in stream stages which would endanger human life,
18 health and property, and be detrimental to fish life in the stream.

19 VII

20 For the protection, propagation and preservation of fish and wild-
21 life, the District shall take every precaution during project construction to
22 safeguard the water quality of the Merced River downstream.

23 VIII

24 The District and Department further stipulate and agree that the
25 provisions of this agreement may be included by way of reference or otherwise
26 in any permit and/or license issued to District's application 16186 and 16187;
27 and if said permit and/or license is conditioned upon the terms of provisions
28 I, II, III, and IV, of this agreement, the protest of the Department to
29 District's said applications may be considered withdrawn and may be disregarded.

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32 State Dept of Fish & Game Exhibit No. 1

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Dated this 8th day of October, 1959

Approved as to form: MERCED IRRIGATION DISTRICT

W.E. Brennan
Attorney for Applicant

By George J. Marks
Chairman of the Board

Carl T. Christianson
Secretary

Kenneth M. Swan
Chief Engineer and Manager

Approved as to form: STATE OF CALIFORNIA, acting by and through the CALIFORNIA DEPARTMENT OF FISH AND GAME

STANLEY MOSK
ATTORNEY GENERAL

J. M. SANDERSON
DEPUTY ATTORNEY GENERAL

By J. M. Sanderson
Attorneys for Protestant

By W. E. Swan
Director

State Dep't of Fish & Game Exhibit No. 1

RESOLUTION, BOARD OF DIRECTORS
MERCED IRRIGATION DISTRICT

WHEREAS the Merced Irrigation District has made Applications for Permit No. 16186 and No. 16187 to the California State Water Rights Board in connection with development of additional water storage on the Merced River,

AND WHEREAS the State of California, acting by and through its Department of Fish and Game, is desirous of protecting and preserving the fish and wild life resources existing in and around the Merced River in conjunction with the aforesaid pending applications,

AND WHEREAS both the District and the Department wish to consummate a stipulation and agreement to fulfill the requirements of the Department with regard to future releases and other phases of operation of District's proposed reservoirs, to the end that the Department would withdraw its pending protests to District's Applications No. 16186 and No. 16187,

NOW THEREFORE BE IT RESOLVED that President George T. Mack, Secretary Carl T. Christianson, Chief Engineer Kenneth R. McSwain, and the District's attorney, W. E. Craven, be authorized and directed, in the name of and on behalf of the District, to sign "Stipulation and Agreement" dated October 6, 1959, between the Merced Irrigation District and the California Department of Fish and Game, in connection with Applications No. 16186 and No. 16187.

I, CARL T. CHRISTIANSON, Secretary of the Board of Directors of Merced Irrigation District, do hereby certify that the foregoing is a true and correct copy of a resolution of said Board of Directors adopted at a regular meeting of said Board held on Tuesday, October 6, 1959.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District, this 6th day of October, 1959.

Carl T. Christianson
Secretary

MERCED IRRIGATION DISTRICT

Application No. <i>16186 & 16187</i>	EXHIBIT NO. <i>1</i>
<i>Fish and Game</i>	FOR IDENTIFICATION ON
JAN 5 1960 P.M.	JAN 5 1960 P.M.
STATE WATER RIGHTS BOARD	

FILE *16186*
FOLDER # *4*
DATE *10/6/59*

State Dept of Fish & Game Exhibit No. *1*

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