

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0049
Planada Community Services District

**ORDER APPROVING CHANGE IN POINT OF DIVERSION, PURPOSE
OF USE AND PLACE OF USE**

SOURCE: Miles Creek
COUNTY: Merced

WHEREAS:

1. The Planada Community Services District (District) filed Wastewater Change Petition WW0049 (petition) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on October 12, 2007, pursuant to section 1211 of the Water Code. The petition seeks to change the point of diversion, purpose of use and place of use to comply with the waste discharge requirement issued by the Central Valley Regional Water Quality Control Board (WDR Order No. R5-2005-0009). In lieu of discharge to a stream, treated wastewater will be stored in percolation ponds during the winter months to be later used for agricultural irrigation. Treated wastewater will no longer be discharged to Miles Creek.
2. The petition was noticed on October 25, 2007. No protests were filed.
3. The State Water Board has determined that the petition for change in the point of diversion, purpose of use and place of use will not cause injury to any other lawful user of water.
4. The District is the lead agency pursuant to the California Environmental Quality Act (CEQA). The District prepared an Environmental Impact Report for the project, SCH #2006041048. A Final EIR was filed with the State Clearinghouse on January 18, 2012. The District filed a Notice of Determination (NOD) with the State Clearinghouse on February 2, 2012.
5. The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow the City to proceed with the proposed project. As a responsible agency, the State Water Board must consider the environmental documentation prepared by the lead agency, and any other relevant evidence in the record, and reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the EIR in deciding whether to approve the petition. There is no evidence that approval of the wastewater change petition, with the lead agency implementing mitigation measures from the EIR, will have any adverse impacts

on the environment. The State Water Board will issue an NOD within five days of the date of this order.

6. In addition to any obligation the State Water Board may have under CEQA, the Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) No adverse impacts to public trust resources are expected.

ORDER

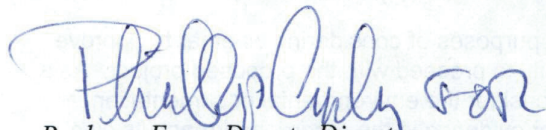
NOW, THEREFORE, IT IS ORDERED THAT:

1. The District is authorized to change the point of diversion, purpose of use, and place of use of treated wastewater.
2. The District is authorized to discontinue discharge to Miles Creek.
3. The authorized place of use is 341 acres within N ½ of Section 4, T8S, R15E, MDB&M; S ½ of SW ¼ of Section 33, T7S, R15E, MDB&M; SW ¼ of SE ¼ of Section 33, T7S, R15E, MDB&M. Treated wastewater may be used for the proposed project from January 1 to December 31 of each year.
4. Treated wastewater may be used for irrigation purposes.
5. No water shall be used under this wastewater change petition until petitioner has filed a report of waste discharge with the Regional Board, pursuant to Water Code Section 13260, and the Regional Board or State Water Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Water Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Water Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Section 13260:
 - (1) the Regional Board issues a waiver pursuant to Section 13269, or
 - (2) the Regional Board fails to act within 120 days of the filing of the report.

No petitioner shall be required to file a report of waste discharge pursuant to Section 13260 of the Water Code for percolation to ground water of water resulting from the irrigation of crops.

(0290101)

STATE WATER RESOURCES CONTROL BOARD



*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: **DEC 10 2012**