



Linda S. Adams
Acting Secretary for
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State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

April 6, 2011

To: Merced Irrigation District Petition Interested Parties

DRAFT ORDER REGARDING MERCED IRRIGATION DISTRICT'S PETITION FOR RECONSIDERATION AND REQUEST FOR STAY OF INVESTIGATION ORDER WR 2011-0003-EXEC

On January 28, 2011, Merced Irrigation District submitted to the State Water Resources Control Board (State Water Board) a petition for reconsideration and request for stay of Investigation Order WR 2011-0003-EXEC. The petition and request for stay concern primarily legal issues. A draft order responding to Merced Irrigation District's request for stay has been posted for public comment. The draft order is tentatively scheduled for consideration by the State Water Board at its meeting on April 19, 2011. The State Water Board issues formal notice with the location and time of public meetings approximately ten days prior to such meetings. All State Water Board notices of public meeting and agendas are posted on the State Water Boards website, at: http://www.waterboards.ca.gov/board_info/calendar/. The draft order can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ceqa_projects.shtml#ferc2179.

All interested persons will have the opportunity to comment on the proposed order at the State Water Board meeting. All presentations will be limited to three (3) minutes unless otherwise authorized at the discretion of the Board Chairman.

In addition to hearing comments from the petitioner, Merced Irrigation District, and interested persons on the draft order on the request for stay, the State Water Board is interested in hearing comments on how best to proceed in its consideration of the of the order it will issue later, on the merits of the petition. While the petition focuses on legal issues such as State Water Board authority, in comments on its own petition the Merced Irrigation District raised technical concerns, such as whether the Investigation Order provides adequate time to complete some of the studies. The State Water Board is therefore interested in knowing if the petitioner and other interested persons are interested in having State Water Board staff schedule a technical workshop or workshop, which would allow for discussion of technical aspects of the Information Order in a format allowing for more discussion than a State Water Board meeting. Holding a technical workshop might be a productive means of dealing with technical issues, but would result in some delay before the State Water Board takes final action on the petition. The draft order directs staff to bring a proposed order on the merits to the board within one year after the petition was filed. State Water Board staff believe that they can meet that deadline, even if a technical workshop or workshops are held, but that the time required to bring an order before the Board could be shortened by several months if only the legal issues raised in the petition are addressed without holding any technical workshops before the Board considers a draft order on the merits. Accordingly, the State Water Board is interested in hearing which approach the Merced Irrigation District and interested persons believe would be preferable.

Interested persons are encouraged to submit their comments on the draft order, and other material electronically. Comment letters can be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620 with the subject "**Comment Letter – MID Draft Order**". In order to be fully considered, written comments must be received by **12:00 noon on Wednesday, April 13, 2011**. Written comments may also be delivered by mail or hand-delivered to the following address:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

In an effort to reduce reliance on paper mailings, information on new postings will now be provided by email. In order to receive future notices on this project and for other water rights related water quality certification projects, go to the State Water Board's home page located at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml and subscribe to: "Water Rights Water Quality Certification" email list.

If you have any questions regarding this notice, please contact Jennifer Watts, Environmental Scientist, at (916) 341-5397 or David Rose, Staff Counsel at (916) 341-5196.

Sincerely,



Gail Cismowski
Water Quality Certification Unit