



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board LETTER AN



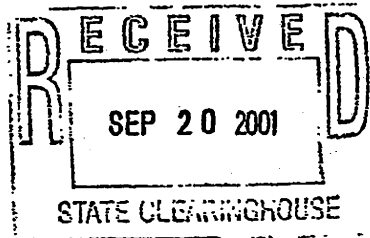
Division of Water Rights
1001 I Street • Sacramento, California 95814 • (916) 341-5302
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-100
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>

Gray Davis
Governor

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 demand and cut your energy costs, see our Website at <http://www.swrcb.ca.gov>.

September 20, 2001

Mr. Brian Grattidge
Associate Planner
Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814



Dear Mr. Grattidge:

REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORTS (DEIRs) FOR THE UNIVERSITY OF CALIFORNIA MERCED CAMPUS LONG RANGE DEVELOPMENT PLAN [UCM] (SCH # 2001021065), AND THE UNIVERSITY COMMUNITY PLAN AND AREA PLAN [UCPAP] (SCH 2001021056)

Thank you for giving the Division of Water Rights of the State Water Resources Control Board (SWRCB) an opportunity to review the above-referenced documents. Staff has reviewed these documents to determine whether either project would require a new appropriative water right permit, as required by Water Code Section 1200 *et subs*. The DEIRs for these two projects both indicate that potable water will be supplied by groundwater wells rather than by diversion of surface water. (See UCM DEIR Volume 1 at p. 2-20, 4.8-22, *et al.*; UCPAP DEIR at p. 4.8-37, 4.15-5, *et al.*). Therefore, neither of these projects, as proposed, will require an appropriative water right permit from the Division of Water Rights.

AN-1

Both of the DEIRs indicate that stormwater from the UC Merced campus and from the University Community development will be collected and diverted, at least in part, to the Fairfield Canal operated by Merced Irrigation District (MID). (See UCM DEIR Volume 1 at p. 2-21 and UCPAP DEIR at p. 4.8-57.) It appears that Fairfield Canal will transport stormwater to Bear Creek for release. According to the UCM DEIR (p. 4.8-27), MID does not use the Fairfield Canal for irrigation during the fall and winter months (November 1 to March 31), but instead uses it to transport stormwater. If correct, usage of the canal for stormwater transport purposes does not constitute a new appropriation of surface water. However, if MID intends to retain some or all of these stormwater flows for delivery to its customers during the period March 31 to October 31, then such an operation would appear to constitute a new appropriation by MID, which will require MID to apply to this Division for a new water right permit. The DEIRs should clarify the destination and use by MID (if any) of stormwater diverted from the campus and the University Community into Fairfield Canal.

AN-2

Mr. Brian Grattidge

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We understand that the Central Valley Regional Water Quality Control Board (CVRWQCB), Fresno Office, will also be providing comments on both of the subject DEIRs. If you have any comments or questions concerning the SWRCB comments, please contact Jim Sutton, Senior Environmental Specialist, at (916) 341-5388. If you have any comments or questions concerning the CVRWQCB comments, please contact Bert Van Voris, Supervising Water Resources Control Engineer, at (559) 445-6079.

AN-3

Sincerely,



Michael Falkenstein
Program Manager
Environmental Section

Enclosure

cc: Mr. Ric Notini
Environmental and Permitting Manager
University of California, Merced
1170 West Olive Avenue, Suite 1
Merced, CA 95348-1959

Mr. Robert Smith
Planning Director
UC Merced Development Office
3351 M Street, Suite 240
Merced, CA 95348

Mr. Ross Rogers
General Manager
Merced Irrigation District
720 West 20th Street
P. O. Box 2288
Merced, CA 95344-0288

California Environmental Protection Agency

Mr. Brian Grattidge

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September 20, 2001

bcc: Brian Haddix, Undersecretary
Office of the Secretary, Cal/EPA

Beth Jines
Assistant Secretary for Water Programas
Office of the Secretary, Cal/EPA

Harry M. Schueller
Chief Deputy Director, SWRCB

Gary Carlton
Executive Officer
CVRWQCB, Fresno

Bert Van Voris
CVRWQCB, Fresno

**COMMENT LETTER AN: MICHAEL FALKENSTEIN
STATE WATER RESOURCES CONTROL
BOARD**

Response to Comment AN-1:

The comment reiterates the Draft EIR statement that surface water will not be used, and states that, therefore, neither project will require an appropriate water right permit from the Division of Water Rights. No response is required.

Response to Comment AN-2:

As noted in the comment, if MID plans to retain and use some of the stormwater runoff directed into the Fairfield Canal from the proposed University Community for irrigation purposes, then MID may be required to apply for a new appropriation of surface water from the State Water Resources Control Board. Such an action would be unrelated to the UCP.

Response to Comment AN-3:

The information regarding contacts is hereby forwarded to the decision makers.