

DEPARTMENT: Public Works

By: Michael Edwards

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Resolution authorizing support of the proposed Place of Use Correction for Merced Irrigation District water for the Lake Don Pedro Community Service District (LDPCSD). (Refer to Attachment #1)

On May 14, 1998 the Mariposa County Water Agency Advisory Board considered the proposed Place of Use Correction during a scheduled meeting. The Advisory Board agreed to support the efforts of the Lake Don Pedro Community Service District. (Refer to Attachment #2). A representative of the LDPCSD will be available to present the justification for this request.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County Water Agency Advisory Board makes recommendations to the Water Agency Board of Directors the terms of any loan to be considered; investigates any grant and makes recommendations to the Board of Directors of the Water Agency with respect to the Merced Irrigation District Water Funds.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted current FY> \$ _____</p> <p>B. Total anticipated Costs> \$ _____</p> <p>C. Required additional funding> \$ _____</p> <p>D. Internal transfers> \$ _____</p> <p>COSTS: () 4/5th Vote Required</p> <p>A. Unanticipated revenues> \$ _____</p> <p>B. Reserve for contingencies> \$ _____</p> <p>C. Source description: > _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p><u>1. Letter from Lake Don Pedro Community Services</u></p> <p><u>2. Draft Letter of Support from Board of Supervisors</u></p> <p><u>3. Letter of Support from Mariposa County Water Agency Advisory Board</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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<p>CLERK'S USE ONLY</p> <p>Res. No.: <u>98-201</u> Ord. No.: _____</p> <p>Vote - Ayes: <u>5</u> Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Minute Order Attached <input type="checkbox"/> No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office</p> <p>Date: _____</p> <p>ATTEST: _____</p> <p style="text-align: center;">MARGIE WILLIAMS, Clerk of the Board</p> <p>By: _____</p> <p style="padding-left: 40px;">Deputy</p>	<p>ADMINISTRATIVE OFFICER'S RECOMMENDATION:</p> <p>This item on agenda as:</p> <p>_____ Recommended</p> <p>_____ Not Recommended</p> <p>_____ For Policy Determination</p> <p>_____ Submitted With Comment</p> <p>_____ Returned for Further Action</p> <p>Comment: _____</p> <p>_____</p> <p>C.A.O. Initials: _____</p>
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Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....BOB PICKARD



JANET HOGAN
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252

FAX (209) 966-5147

May 26, 1998

Ms. Lois DiTore
Lake Don Pedro Community Services District
9715 Merced Falls Road
LaGrange, CA 95329

RE: Lake Don Pedro Community Services District Place of Use Correction

Dear Ms. DiTore:

On May 26, 1998, the Mariposa County Board of Supervisors considered the proposed Place of Use Map Correction. The Lake Don Pedro Services District is the successor in interest to the Sierra Highlands Water Company.

It is evident, based on the presentation, that the original error occurred in 1978 when an incomplete version of a map certified and signed by Kenneth McSwain, General Manager of Merced Irrigation District, was submitted to the State Water Resources Control Board. While the complete version of this very same map, with the same date, certified by Kenneth McSwain was not filed.

It was further found that the error was perpetuated in 1987, when the South Shore property was added to the incomplete version of the 1978 map and was filed with the State Water Resources Control Board.

The enclosed map, a corrected version dated April 15, 1998, shows all of the areas that were included within the service area of the Lake Don Pedro Community Services District and accurately reflects the land area that would be within the Sphere of Influence for the District. Therefore, we are supporting the administrative correction requested by Lake Don Pedro Community Services District.

If you have any questions regarding this matter, please contact Michael Edwards, Public Works Director, at (209)966-5356.

Sincerely,

Patti A. Reilly, Chair
Mariposa County Board of Supervisors

cc: Ross Rogers, General Manager, Merced Irrigation District
County Water Agency



**LAKE DON PEDRO
COMMUNITY SERVICES DISTRICT**

9751 Merced Falls Road
La Grange, California 95329
(209) 852-2331

May 14, 1998

Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Dear Honorable Board of Supervisors:

I am requesting a letter of support regarding the administrative correction to our Place of Use for Merced Irrigation District water within our District. In conjunction with Merced Irrigation District "MID" we will be pursuing an administrative correction to the current Place of Use Map on file with the State Water Resources Control Board "SWRCB" dated 1987. Further, we have prepared a corrected map dated April 15, 1998.

In October 1997, I requested a copy of the "MID" Place of Use Map on file with the "SWRCB" so that I could pursue certain annexations to our District. The "SWRCB" sent me a 1987 map that was incorrect. Evidently, through a series of inadvertent errors this incomplete map had been filed with the "SWRCB" as the ultimate place of use for "MID" water by Lake Don Pedro C.S.D.

In order to understand the source of the error, I began research into the history of the Water Service Agreement that we have with "MID" and the Place of Use Maps. Apparently the original error occurred in 1978 when an incomplete version of a map certified by Ken McSwain, General Manager of MID, was filed with the "SWRCB". While the complete version of this very same map, with the very same date, certified by Ken McSwain was NOT filed.

After extensive research and analysis, I prepared and made a presentation to "MID", February 27, 1998 to address this problem, and devise an action plan to correct the error. At the conclusion of this meeting all parties agreed that an error had occurred but were unsure how to pursue a correction.

Board of Supervisors
May 14, 1998
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Individuals present at this meeting:

Ross Rogers, General Manager Merced Irrigation District
Ted Selb, Assistant General Manager Merced Irrigation District
Doug Balmain, Supervisor Mariposa County
Mike Edwards, Director of Public Works Mariposa County
Ken Robbins, Legal Council for Merced Irrigation District
Mike Bermingham, Parks Manager for Merced Irrigation District
Bob Binkley, Engineer for Lake Don Pedro C.S.D.
Bob Gin, Legal Council for Lake Don Pedro C.S.D.
Dick Hayes, Chairman Lake Don Pedro C.S.D. Board of Directors
Wes Snyder, Director Lake Don Pedro C.S.D. Board of Directors
Bob Kent, Plant Operations Supervisor Lake Don Pedro C.S.D.
Lois Di Tore, General Manager Lake Don Pedro C.S.D.

As the next steps in the process were uncertain, on March 11, 1998 I made a presentation to the State Water Resources Control Board Staff. They agreed that an Administrative Correction should be done, and provided the proper form and suggested a method which the presentation should be put together. Individual present at this meeting:

Mark Stretars, Senior Water Resources Control Engineer in the Water Rights Division,
Luanne Erickson, Senior Water Resources Control Engineer in the Hearings Division
Lewis Moeller, P.E. State Water Resources Control Engineer

On March 23, 1998, we again meet with "MID" and all parties agreed that the next step was for Lake Don Pedro C.S.D. to prepare the Presentation for an Administrative Correction in a written format. Further, a presentation would need to be made to the LAFCo Board resulting in a letter of agreement. Individuals present at this meeting:

Ross Rogers, General Manager Merced Irrigation District
Ted Selb, Assistant General Manager Merced Irrigation District
Ken Robbins, Legal Council for Merced Irrigation District
Mike Bermingham, Parks Manager for Merced Irrigation District
Bob Gin, Legal Council for Lake Don Pedro C.S.D.
Dick Hayes, Chairman Lake Don Pedro C.S.D. Board of Directors
Wes Snyder, Director Lake Don Pedro C.S.D. Board of Directors
Lois Di Tore, General Manger Lake Don Pedro C.S.D.

Board of Supervisors
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On May 5, 1998, I met with the LAFCo Board and received a letter of agreement and support for the Administrative Correction.

Individuals present at this meeting:

Doug Balmain, Supervisor Mariposa County
Garry Parker, Supervisor Mariposa County
Bob Pickard, Supervisor Mariposa County
John Earle, Chairman LAFCo Board
Dwight Mueller, Vice Chairman LAFCo Board
Lois Di Tore, General Manager Lake Don Pedro C.S.D

On May 14, 1998, I met with the Mariposa County Water Agency Board and received a letter of agreement and support for the Administrative Correction.

Individuals present at this meeting:

Doug Balmain, Supervisor Mariposa County
Garry Parker, Supervisor Mariposa County
Leroy Radanovich, Chairman Water Agency Advisory Board
Mike Edwards, Director Mariposa County Public Works
Grant Colliver, Water Agency Advisory Board
Harter Bruch, Water Agency Advisory Board
Tom Standen, Water Agency Advisory Board
Janet Hogan, County Administrative Officer

Therefore, I am requesting that the Board of Supervisors of Mariposa County also provide a letter of agreement and support for the Administrative Correction, in an effort to propel the Merced Irrigation District Board of Directors and State Water Resources Control Board to action on this matter.

A proposed letter is attached for your review and/or approval.

Respectfully,

Lake Don Pedro C.S.D



Lois S. Di Tore
General Manager

Mariposa County Board of Supervisors



JANET HOGAN
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

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May 26, 1998

DRAFT

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Lake Don Pedro Community Services District
9715 Merced Falls Road
LaGrange, CA 95329

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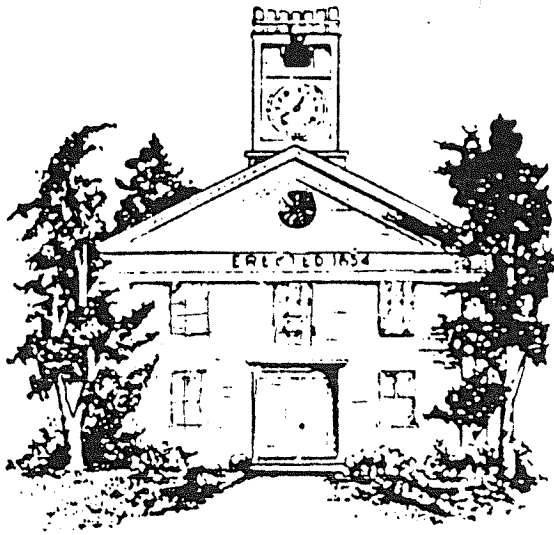
If you have any questions regarding this matter, please contact Michael Edwards, Public Works Director, at (209)966-5356.

Sincerely,

Patti A. Reilly, Chair
Mariposa County Board of Supervisors

cc: Ross Rogers, General Manager, Merced Irrigation District
County Water Agency





MARIPOSA COUNTY COURTHOUSE
"OLDEST IN THE WEST"

Mariposa County Water Agency

(209) 966-3222
POST OFFICE BOX 784
MARIPOSA, CALIFORNIA 95338

May 14, 1998

Ms. Lois DiTore
Don Pedro Community Services District
9715 Merced Falls Road
LaGrange, CA 95329

RE: Lake Don Pedro Community Service District Place of Use Correction

Dear Ms. DiTore:

On May 14, 1998, the Mariposa County Water Agency Advisory Board considered the proposed Place of Use Correction for Merced Irrigation District water for the Lake Don Pedro Community Services District (LDPCSD). The Board has authorized me to send this letter to you.

The Board supports the proposed administrative correction requested by the LDPCSD. By copy of this letter, we are also informing Merced Irrigation District of our support of your efforts.

If you have any questions regarding this matter, please contact Michael Edwards, Public Works Director, at (209)966-5356.

Sincerely,

Leroy Radanovich
Chairman

cc: Ross Rogers, General Manager, Merced Irrigation District
County Water Agency