

Ms. Janelle Heinzler
 SWRCB, Division of Water Rights
 Enforcement Section
 P O Box 2000,
 Sacramento, CA 95812-2000

June 21, 2016

RE: Unlawful Riparian Diversions on Merced River

Dear Ms. Heinzler,

We have corresponded earlier this year about diversions upstream on the Merced River. Our district is at the confluences of the Merced and San Joaquin Rivers. Our landowners in our district hold appropriate water licenses on 5 POD's (License No. 3459, 1661, 5397) and riparian rights. We are suffering now from a practically dead river near the confluences of the Merced and San Joaquin Rivers in a year that is above normal rainfall. It is clear that there are many riparian diverters that are placing water on ground that is not riparian. As difficult as it is to inform on your neighbors I am now doing so. I will give you specific details as to where this unlawful diversion is taking place. While I have not researched on the title deeds to the listed property, I have a good understanding of the nature of riparian rights and feel strongly that much of these non-riparian lands are using riparian water. While I am not aware of all that is happening farther upstream, this practice is now becoming more wide spread. On 6/21/2016, CDEC information showed the Merced River go from 45 cfs to 22 cfs and back to 35 cfs on 6/22/2016 at Cressy, 20 miles upstream. The Merced River in Stevinson is zero, according to CDEC. Lawful diverters we can no longer allow this when the river is not flowing by the time it hits our district. I realize it is difficult for you to observe this practice, however I can provide specific knowledge to assist you in enforcement. I will begin with a list of APN's, landowners, mailing address and possible status riparian or non-riparian. All lands listed are receiving Merced River water. I will include in a separate file assessor parcel maps with POD's and conveyance facilities marked on them.

APN	Owner	Address	City & Zip	Acres	Riparian	Non-Riparian	POD
055-090-024	John R Baptista	4505 McCullaugh Rd.	Stevinson, CA 95374-9707	198	198		B
055-090-004	John R Baptista	4505 McCullaugh Rd.	Stevinson, CA 95374-9707	75		75	B
055-090-020	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	127	127		C
055-090-021	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	86		86	C
055-090-030	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	213			
(this parcel was recently combined from 055-090-020 & 021)							
055-090-007	Gregory Vierra	20872 River Rd.	Stevinson, CA 95374-9778	48		48	C
055-090-009	John R Baptista	4505 McCullaugh Rd.	Stevinson, CA 95374-9707	26		26	C
055-090-012	John R Baptista	4505 McCullaugh Rd.	Stevinson, CA 95374-9707	68		68	C
055-090-027	John R Baptista	4505 McCullaugh Rd.	Stevinson, CA 95374-9707	33	33		C
055-090-013	Colleen Manak	9206 Fieldwood Ln.	Fair Oaks, CA 95628-4107	112		112	D
055-120-003	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	71		71	C
055-120-004	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	71		71	C
055-120-005	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	41		41	C
055-120-019	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	39		39	C
055-120-022	Gregory Vierra	21304 River Rd.	Stevinson, CA 95374-9778	39		39	C
055-090-006	John & Joe Souza	3325 McCullaugh Rd.	Stevinson, CA 95374-9707	29		29	A
055-090-005	John & Joe Souza	3325 McCullaugh Rd.	Stevinson, CA 95374-9707	28		28	B
055-100-011	John & Joe Souza	3325 McCullaugh Rd.	Stevinson, CA 95374-9707	31		31	A
055-120-001	John & Joe Souza	3325 McCullaugh Rd.	Stevinson, CA 95374-9707	75		75	A
055-120-042	John & Joe Souza	3325 McCullaugh Rd.	Stevinson, CA 95374-9707	213		213	B
				Total	358	1052	

June 22, 2016

Clearly, there is not just our immediate upstream neighbors who are possibly illegally diverting. If Merced Irrigation District is correct when they tell us they are releasing the required flows and only 22 cfs was in the river 20 miles from the confluences of the San Joaquin River yesterday; something is very wrong. I do not want to become a very unpopular whistle blower with my neighbors, many of whom are in my church every Sunday, something must be done. I believe a letter to them stating you are investigating this dead river in a normal water year. Their lands appear to have the following characteristics. Number 1, they are not in a water district that delivers surface water. Number 2, these lands appear to be disconnected from the river according to Assessor Parcel maps of Merced County. Therefore they should first demonstrate with a deed that there is a reservation of riparian rights. If not they should show the State Board what groundwater is being used on them by identification of an irrigation well and PG&E billing that shows use and the conveyance of this groundwater to these questioned lands. This should take place all the way upstream. Please look into this right away as we are being injured right now.

Thank you for your attention to this serious current situation.

Yours Truly,



Robert D Kelley
General Manager
Stevinson Water District

Yours Truly,



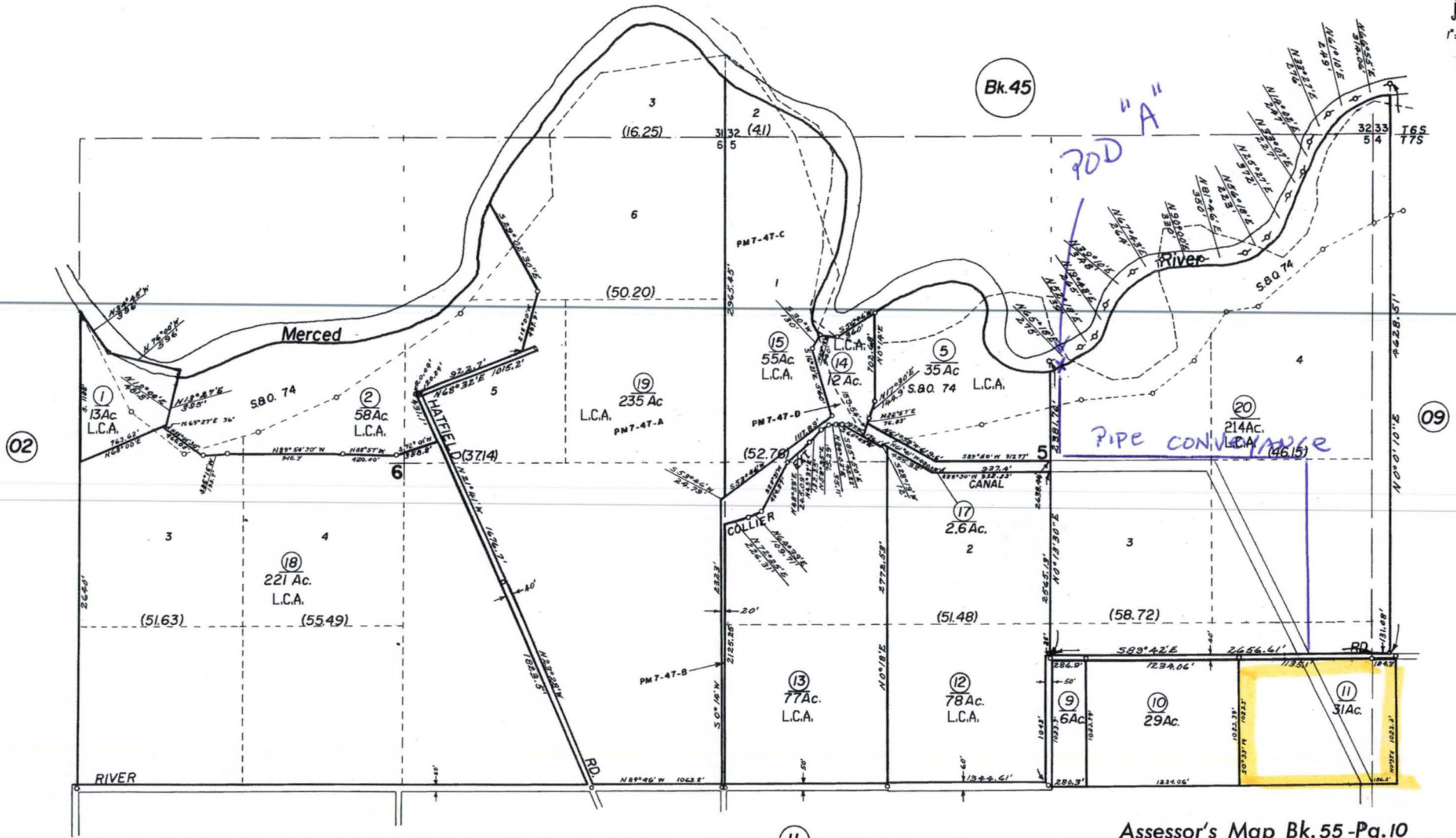
Mike Borba
5297 Kelley Rd.
Hilmar, CA 59324

Cc: Kathryn Bare, SWRCB Water Rights

Cc: Dorene D'Adamo, State Water Resource Control Board

T.6&7S, R.10E., M. D. B. & M.

Tax Rate Area 75-16 55-10
75-20



Assessor's Map Bk. 55-Pg. 10
County of Merced, Calif.

NOTE—Assessor's Block Numbers shown in Ellipses
Assessor's Parcel Numbers shown in Circles

1958

T.6S.&R.7S.,R.10E., M.D.B.&M.

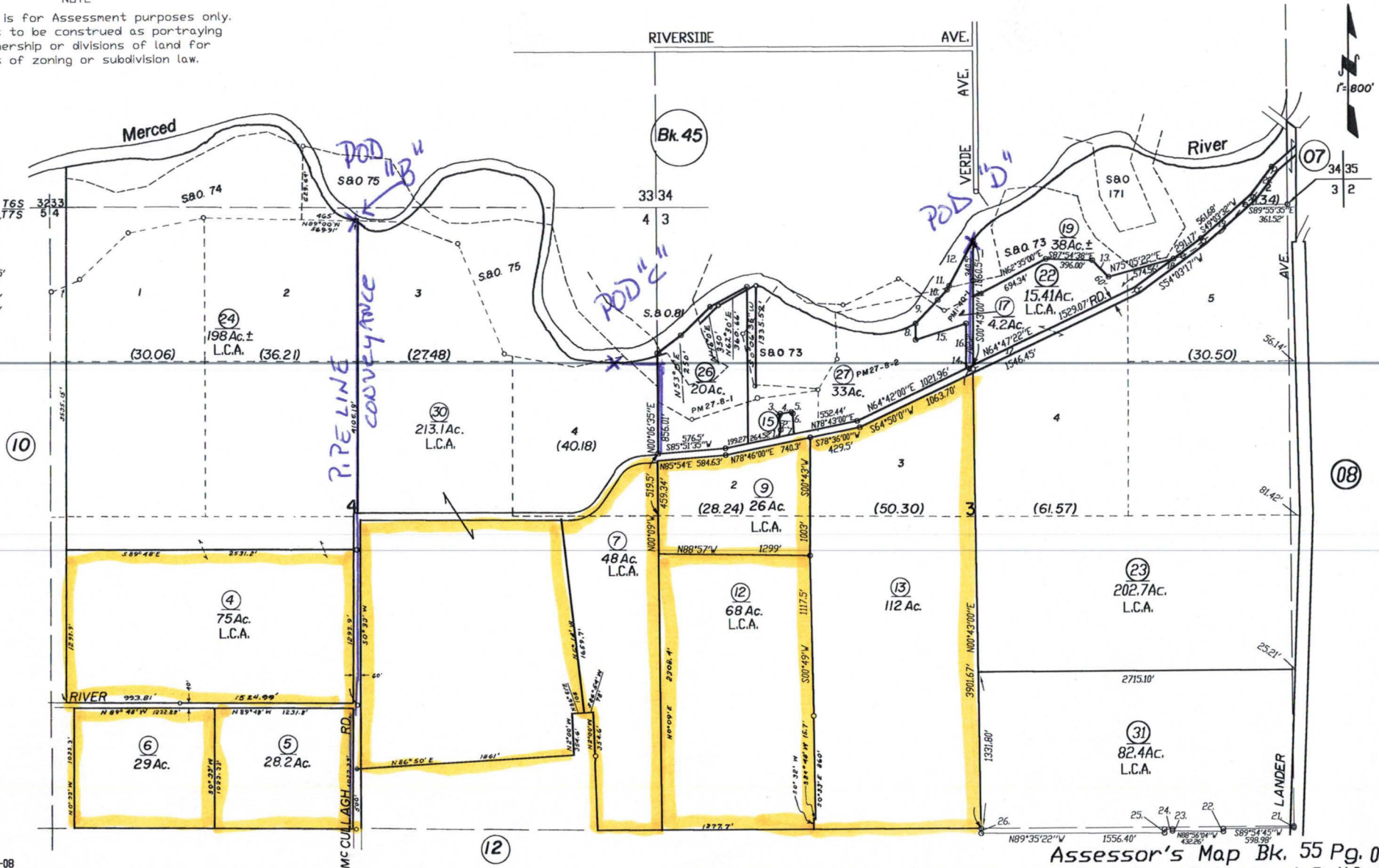
Tax Rate Area 075-016
075-020

55-09

-NOTE-

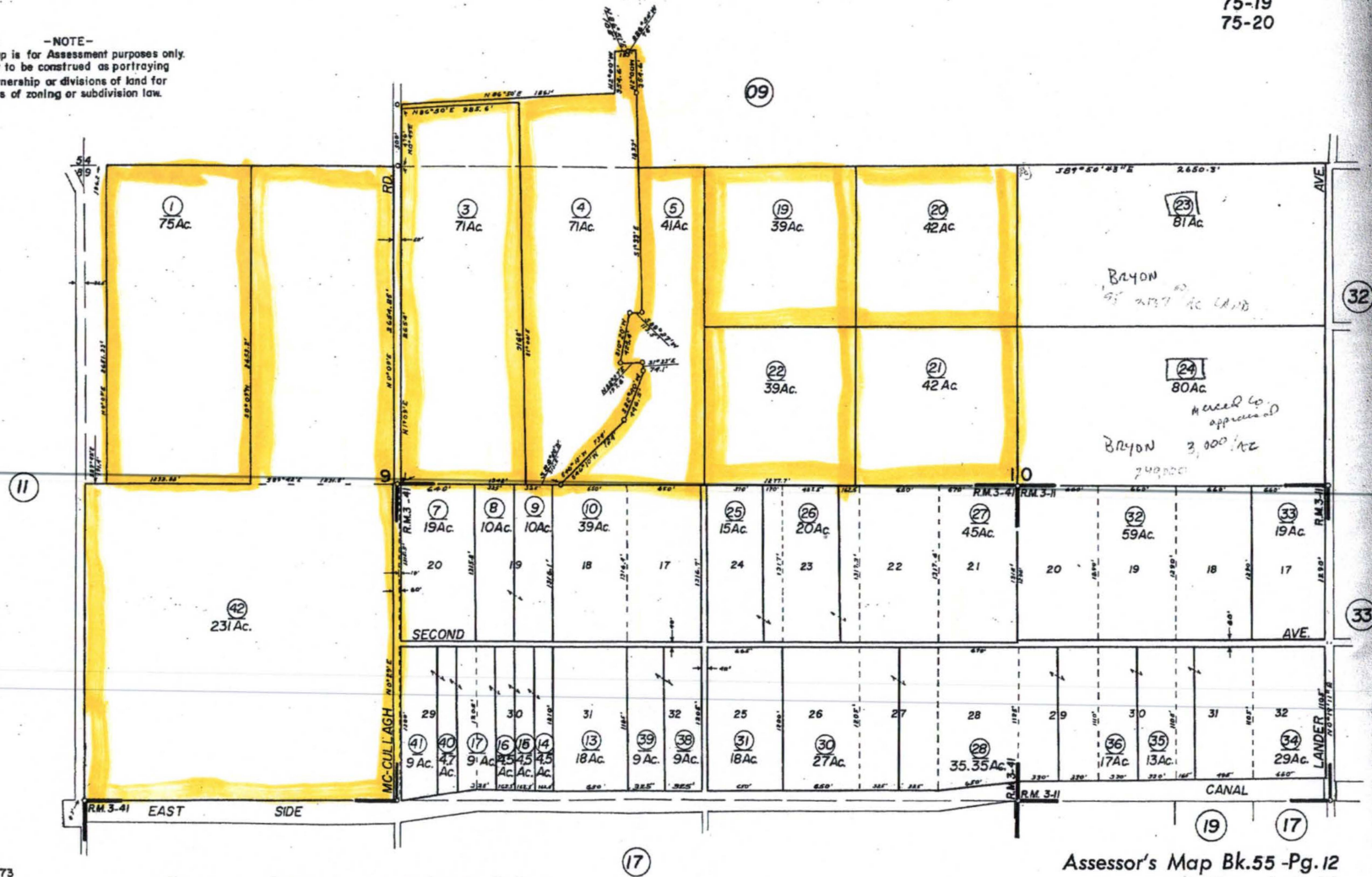
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

1. N17°38'00"E 67.62'
2. N05°55'00"W 120.44'
3. N29°58'00"E 19.6'
4. N01°58'00"E 96.25'
5. S44°16'00"E 16.52'
6. N02°13'00"E 176.53'
7. S78°43'00"W 134.52'
8. S00°43'00"W 140.96'
9. S43°39'00"W 275.00'
10. S42°29'00"W 116.00'
11. S28°39'00"W 38.41'
12. S28°39'00"W 436.59'
13. S44°09'38"E 190.00'
14. N64°42'00"E 66.77'
15. N72°13'00"E 450.36'
16. S00°43'00"W 384.21'
17. S64°47'22"W 1546.45'
18. S54°03'17"W 701.82'
19. S49°03'32"W 565.95'
20. N37°47'17"W 297.42'
21. S03°12'00"W 14.51'
22. S00°06'32"W 23.00'
23. N00°06'31"E 15.50'
24. S89°36'25"W 65.84'
25. S00°06'31"W 30.95'
26. N00°20'41"E 42.28'



-NOTE-

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purposes of zoning or subdivision law.



REVISED 12/73

Stevenson Colony Sub. No. 4, R.M. Bk. 3, Pg. 11
Stevenson Colony Sub. No. 8, R.M. Bk. 3, Pg. 41

NOTE—Assessor's Block Numbers shown in Ellipses
Assessor's Parcel Numbers shown in Circles

Assessor's Map Bk. 55-Pg. 12
County of Merced, Calif.

1958