

**MADERA IRRIGATION DISTRICT
PRE-ADJUDICATION PLAN OF ADMINISTRATION
FOR THE FRESNO RIVER**

As a condition of its State Water Resources Control Board (the “SWRCB”) License No. 13836, Madera Irrigation District (“MID” or the “District”) is obligated to make releases from Hidden Dam to satisfy downstream rights to the waters of the Fresno River, pursuant to the Fresno River Operations Protocols (the “FROP”) and the Fresno River Allocation Model (the “FRAM”).

On October 18, 2018, MID filed a Petition for Adjudication of the Fresno River (the “Petition”) with the SWRCB. The Petition was granted at the SWRCB’s October 20, 2020, meeting (the “Effective Date”). MID expects it will take several years for the issues in the Petition to be fully and finally resolved. As a result, to comply with its obligations under the License, MID anticipates the need to manage releases pursuant to the FROP and the FRAM during this time.

Over the past several years, MID has received communications from landowners along the Fresno River concerning MID’s implementation of the FROP and the FRAM pending the SWRCB’s resolution of the Petition. Those communications, among other things, request inclusion of various properties, points of diversion, and diversion capacities within the FRAM for future water years pending the resolution of the Petition. To resolve such requests pending the Petition, the District has prepared this Pre-Adjudication Plan of Administration for the Fresno River (the “PAPA”), which provides the guidelines pursuant to which the District intends to resolve such requests pending adjudication.

The guidelines identified in the PAPA are based on two primary considerations. The first is ensuring allocations for downstream landowners are based on substantial evidence and the law. Specifically, MID is obligated to make releases using the FROP and the FRAM for certain downstream landowners as a condition of its SWRCB License No. 13836. Generally speaking, the FRAM determines the allocation of water for downstream landowners under the FROP. The inputs to the FRAM include information submitted to the District each year by downstream landowners, including cropped acreage, points of diversion, and diversion capacity. Because the waters of the Fresno River are fully used, each acre-foot allocated to one landowner results in less water available to all other landowners. Thus, to avoid injury to other downstream landowners, MID does not include information in the FRAM that is clearly erroneous, without evidentiary basis, or contrary to the law. Both during the SWRCB-ordered facilitation process and for several years prior to the filing of the Petition, MID provided downstream landowners the opportunity to provide such information to MID, and MID made adjustments when such adjustments were supported by the evidence.

The second primary consideration underlying the PAPA is the preservation of the *status quo* pending the adjudication. Since the FRAM and the FROP were implemented in 2011, the demands for Fresno River water have increased. Market and hydrologic conditions have resulted in significant incentives for landowners to supplement their water supplies. As a result, MID has received numerous requests to include new lands within the FRAM that have not historically taken water from the Fresno River, even though the waters of the Fresno River are fully used. As a result of these and other issues, the Petition requests that the SWRCB consider

whether to exercise its authority under Article X, Section 2 of the California Constitution and *In re Waters of Long Valley Creek Stream System* (1979) 25 Cal.3d 339, 355, to subordinate previously-unexercised riparian rights. To avoid rendering the SWRCB's ability to afford such relief moot, the PAPA attempts to preserve the *status quo* existing as of the Effective Date and based on information submitted to MID by the riparian landowners,¹ unless otherwise directed by the SWRCB.

A. Landowner Acreage Included in the FRAM

Riparian Acreage. Exhibits "A" through "N" depict the riparian acreage that may be included in the FRAM starting in the 2021 riparian water year and future years, subject to the conditions below.² For the most part, these lands are consistent with the lands recognized in MID's October 18, 2018, Petition with modifications based on additional information provided to MID as part of the SWRCB-ordered facilitation process prior to the Effective Date.

Post-1914 Appropriative Rights. Those properties enjoying post-1914 appropriative rights under License Nos. 4689 (Costa View), 7561 (Menefee), and 9073 (Triangle T/John Hancock) will be included in the FRAM.

Requests to Include Additional Acreage. MID has evaluated numerous requests to include additional acreage, both prior to the filing the Petition and during the SWRCB facilitation process. MID has adjusted the acreage for some claimants based on the information provided during discussions where, based on substantial evidence, the landowner has demonstrated the riparian acreage included in the FRAM should be changed. To preserve the *status quo*, and to avoid rendering the SWRCB's ability to exercise its authority under *Long Valley* moot, MID will not be accepting further requests for adjustment after the Effective Date.

B. Points of Diversion Included in the FRAM

Points of Diversion Included in the FRAM. To preserve the *status quo*, MID will only include those points of diversion that were included in the FRAM prior to December 31, 2019, these points of diversion are depicted in Exhibits "A" through "N". MID will not include Points of Diversion where additional permitting is required or there are outstanding violations of the law associated with such Points of Diversion.

Increased Diversion Capacity. Confirmed increases in diversion capacity at recognized Points of Diversion will be included in the FRAM.

C. Landowner Information

To ensure MID has the information needed for inputs into the FRAM, the FROP requires landowners to submit cropping information to MID on or before December 30th of each

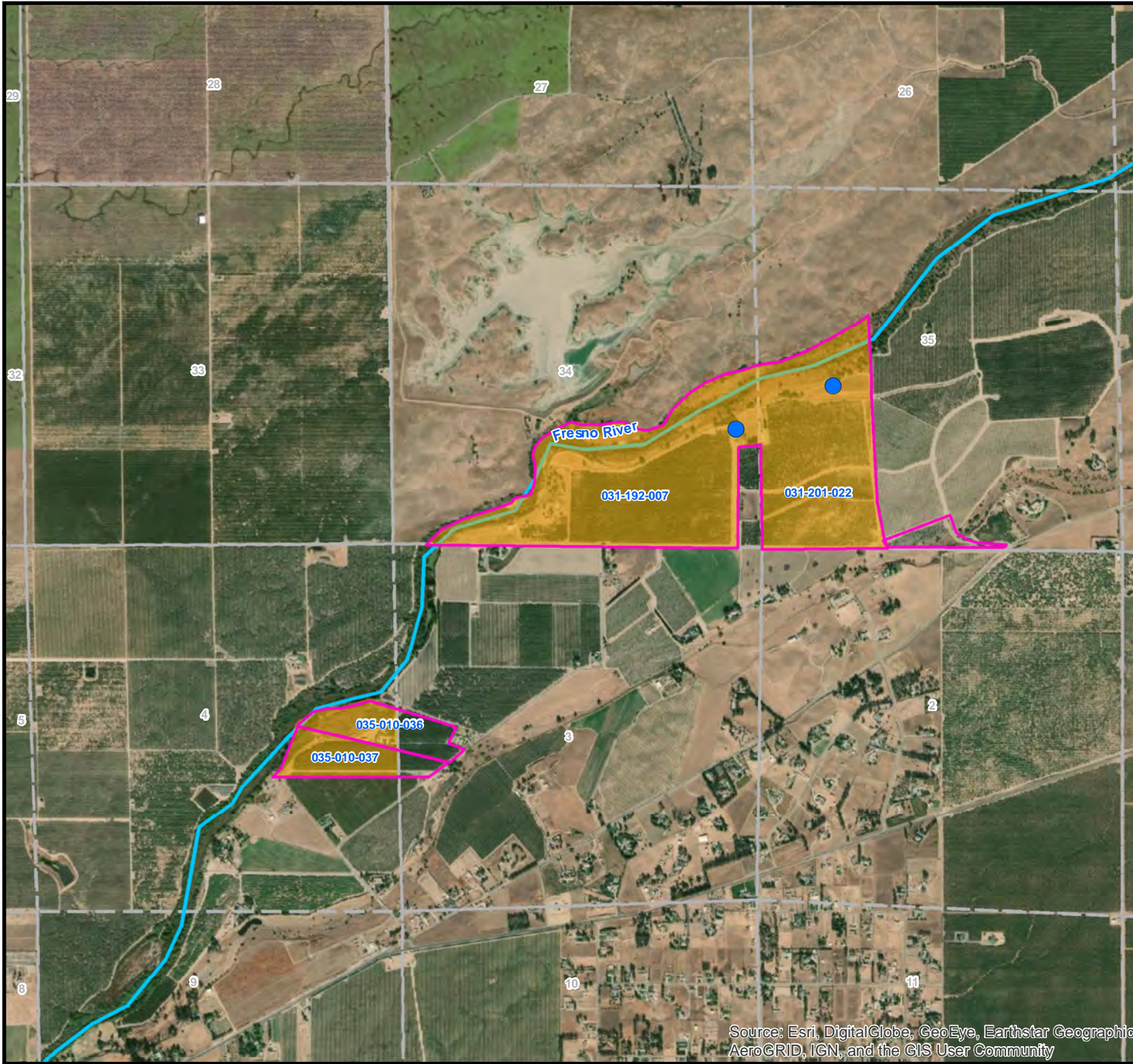
¹ The deadline for landowners to submit cropping information to MID for the 2020 riparian season was December 30, 2019. As a result, the PAPA uses December 31, 2019, to measure the *status quo*.

² To preserve the *status quo* and avoid the rendering of the SWRCB's ability to exercise its authority under *Long Valley* moot, only documented cropped acres prior to December 31, 2019, will be included in the FRAM.

year. Because the water season is ongoing at this time, it is critical that MID receives this information in a timely manner. To ensure the information MID receives is complete and includes all relevant information, MID will be sending a required form to all landowners substantially similar to Exhibit “O” before the end of October of each year. If the required form is not completed and returned to MID by December 30th, the properties will not be included in the FRAM for that riparian year.

EXHIBIT “A”

EXHIBIT “B”



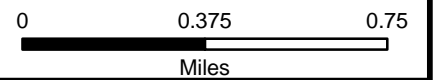
Kirk Parrish Riparian Lands

- Riparian Land (309.50)
- Parcel
- Waterways
- Point of Diversion

Note: Boundaries are approximate

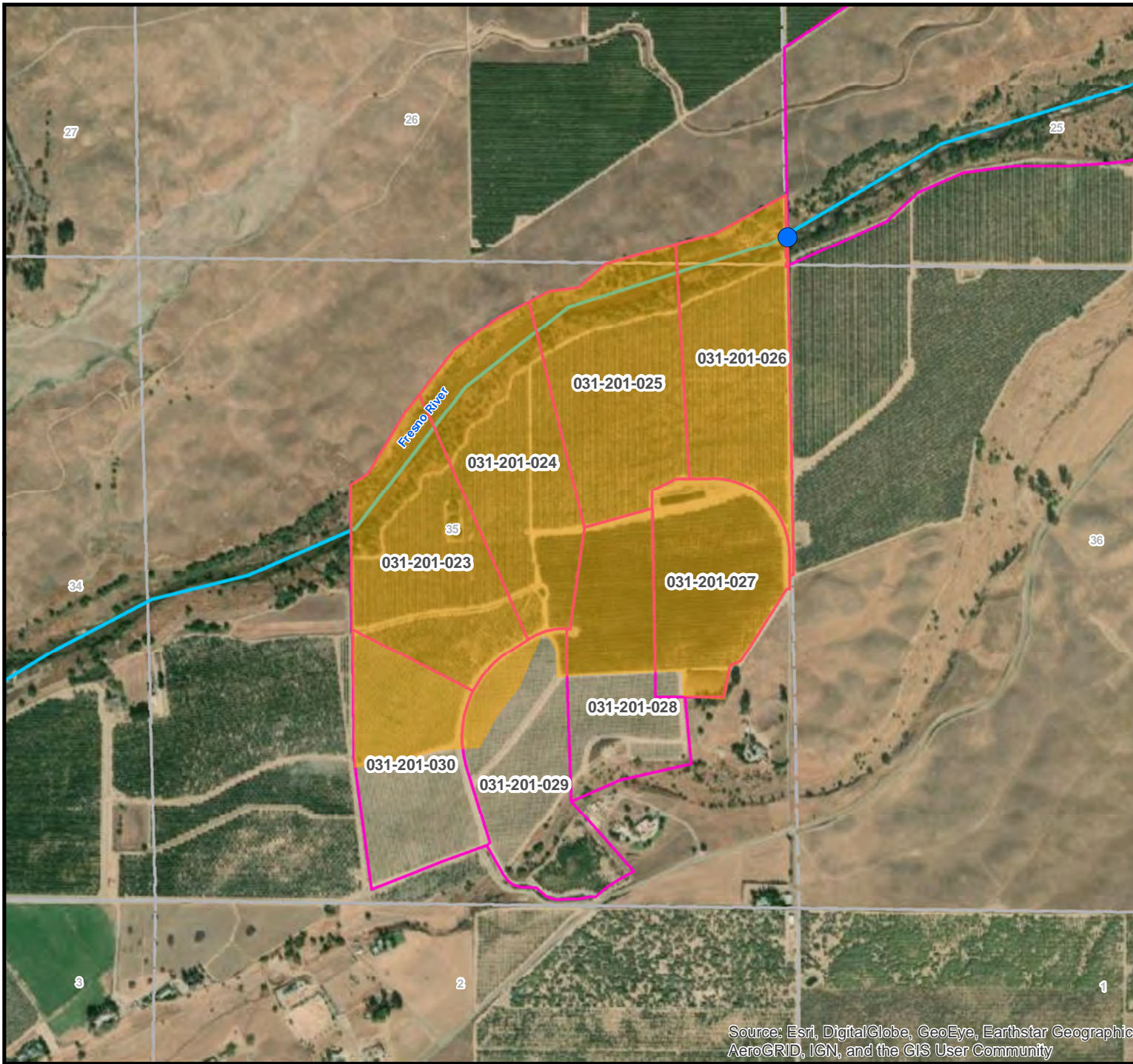


Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic
AeroGRID, IGN, and the GIS User Community

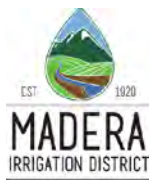
EXHIBIT “C”



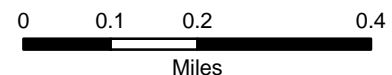
Kevin Herman Riparian Lands

- Riparian Land (264.80 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

Note: Boundaries are approximate

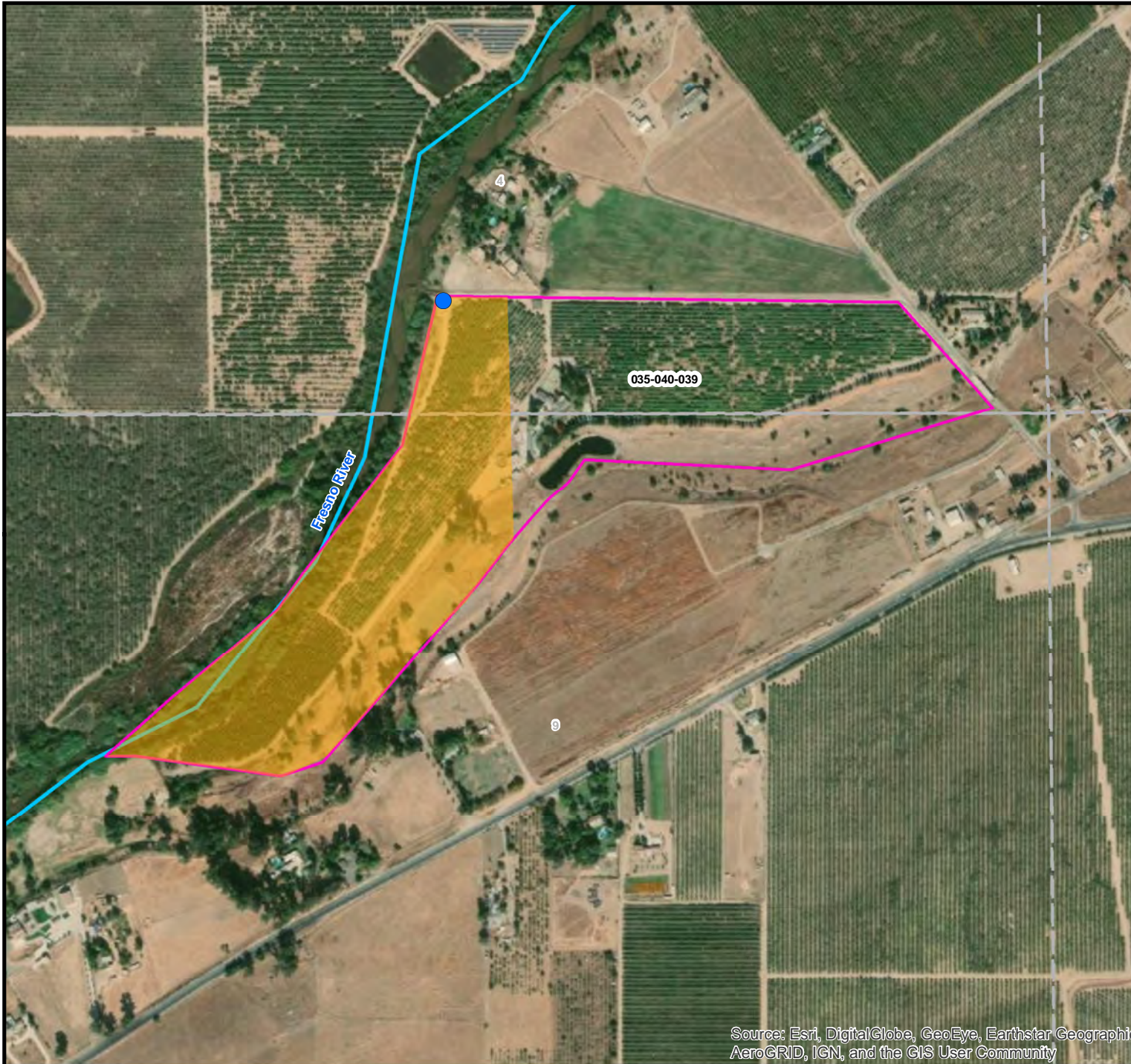


Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic, AeroGRID, IGN, and the GIS User Community

EXHIBIT “D”



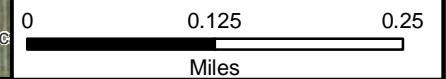
Da Silva Riparian Lands

- Riparian Land (36.80 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

Note: Boundaries are approximate

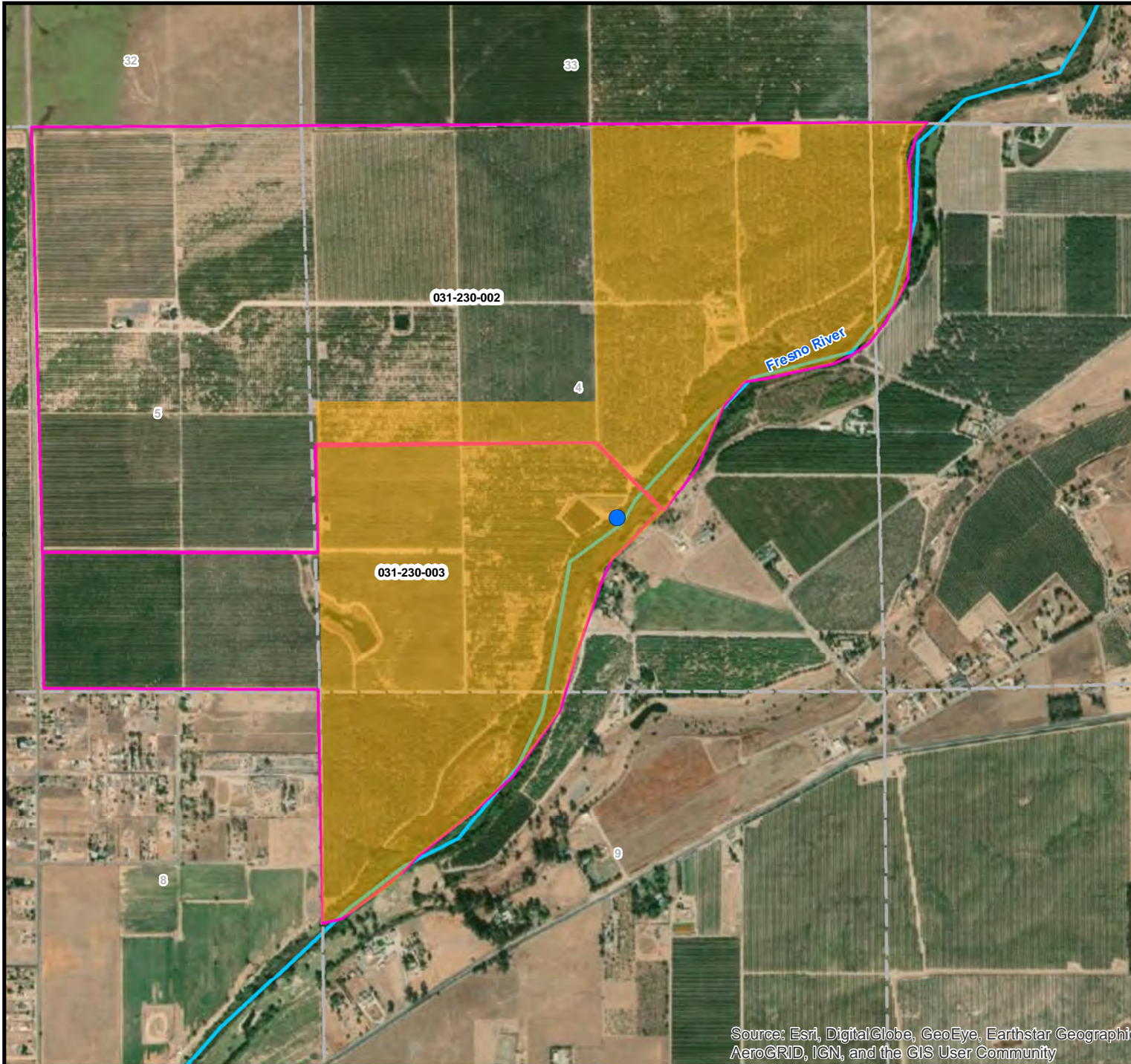


Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic
AeroGRID, IGN, and the GIS User Community

EXHIBIT “E”



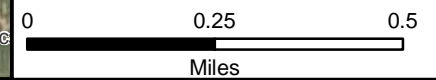
De Benedetto & Mesple Riparian Lands

- Riparian Land (418.08 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

Note: Boundaries are approximate



Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic
AeroGRID, IGN, and the GIS User Community

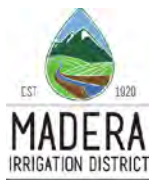
EXHIBIT “F”



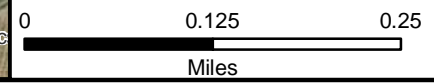
Rancho Bella Vista Riparian Lands

- Riparian Land (21.24 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

Note: Boundaries are approximate

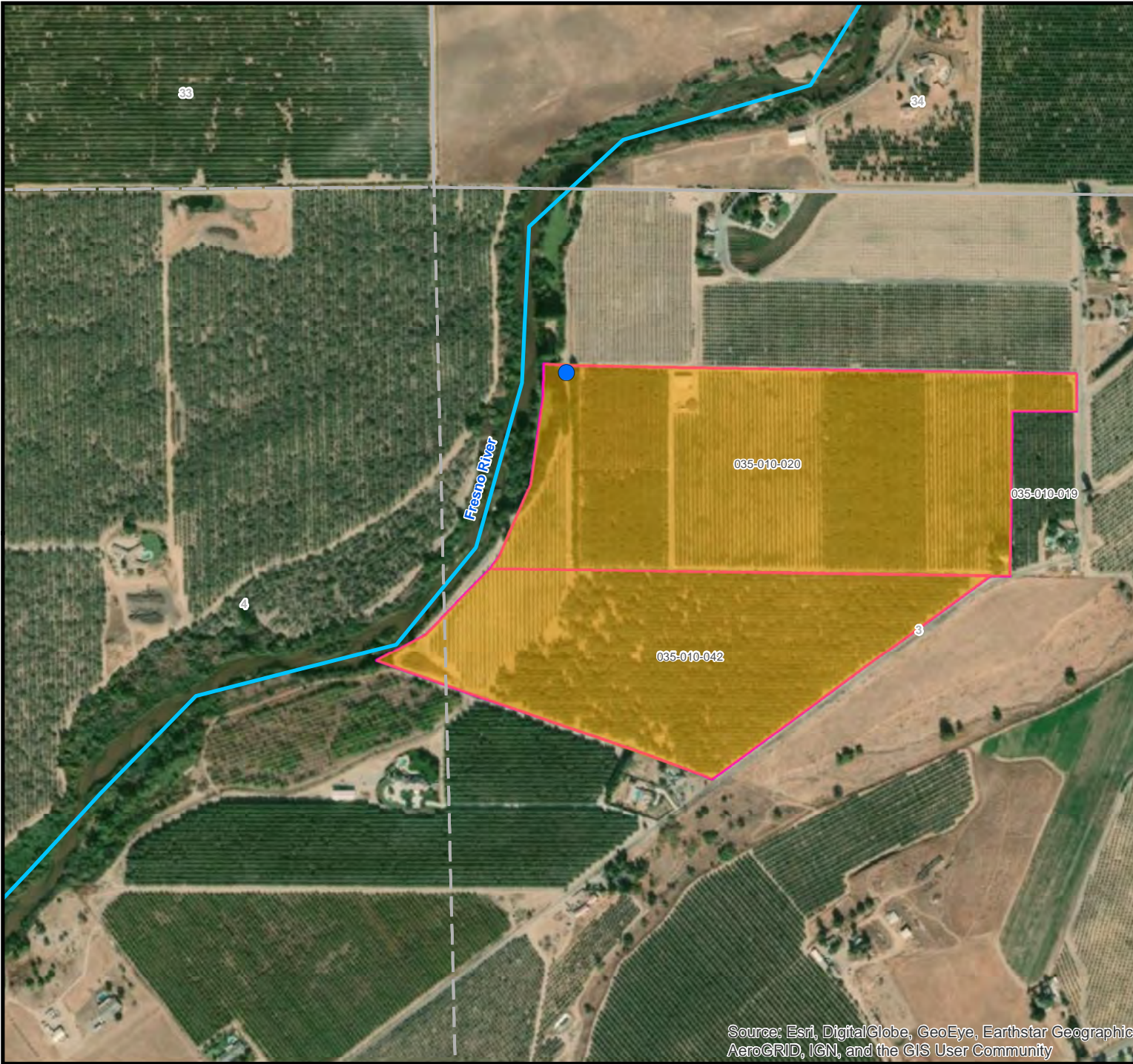


Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic
AeroGRID, IGN, and the GIS User Community


EXHIBIT “G”



Isla Vista Riparian Lands


- Riparian Land (93.39 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

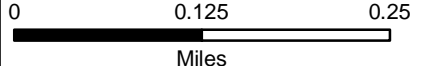
Note: Boundaries are approximate



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Date:
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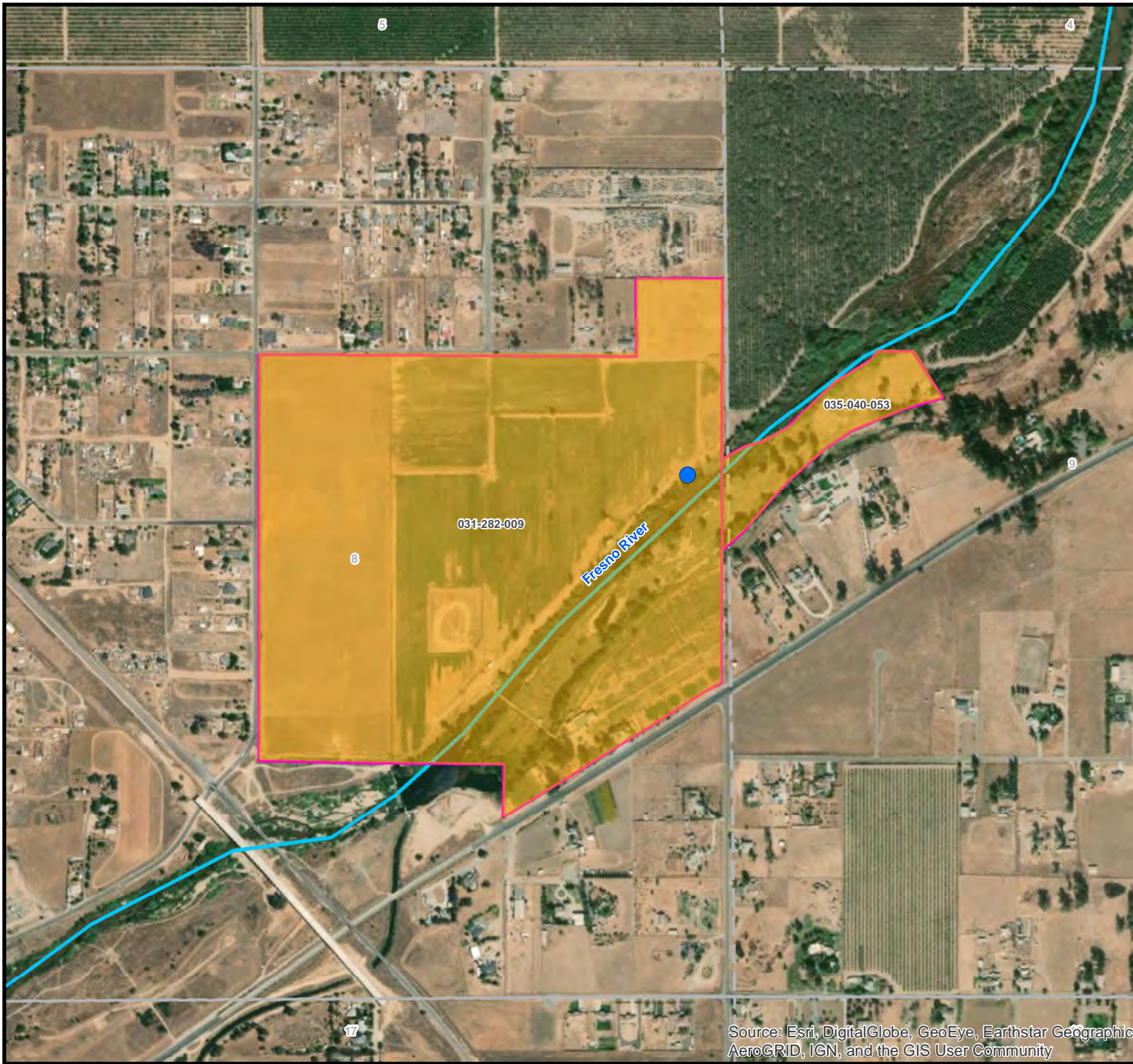




0 0.125 0.25
Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic
AeroGRID, IGN, and the GIS User Community

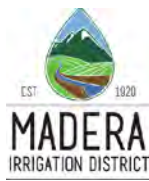
EXHIBIT “H”



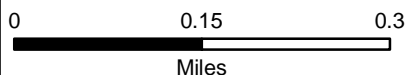
Cal Fischer Riparian Lands

- Riparian Land (149.00 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

Note: Boundaries are approximate



Date:
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic, AeroGRID, IGN, and the GIS User Community

EXHIBIT “I”

Cosyns Farms Riparian Lands



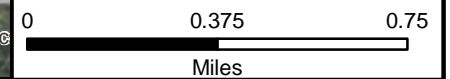
- Riparian Land (686.06 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion ^①

^① The SWRCB will need to make a determination of locations and capacities of the POD's off of the Fresno River for Rd. 16.

Note: Boundaries are approximate

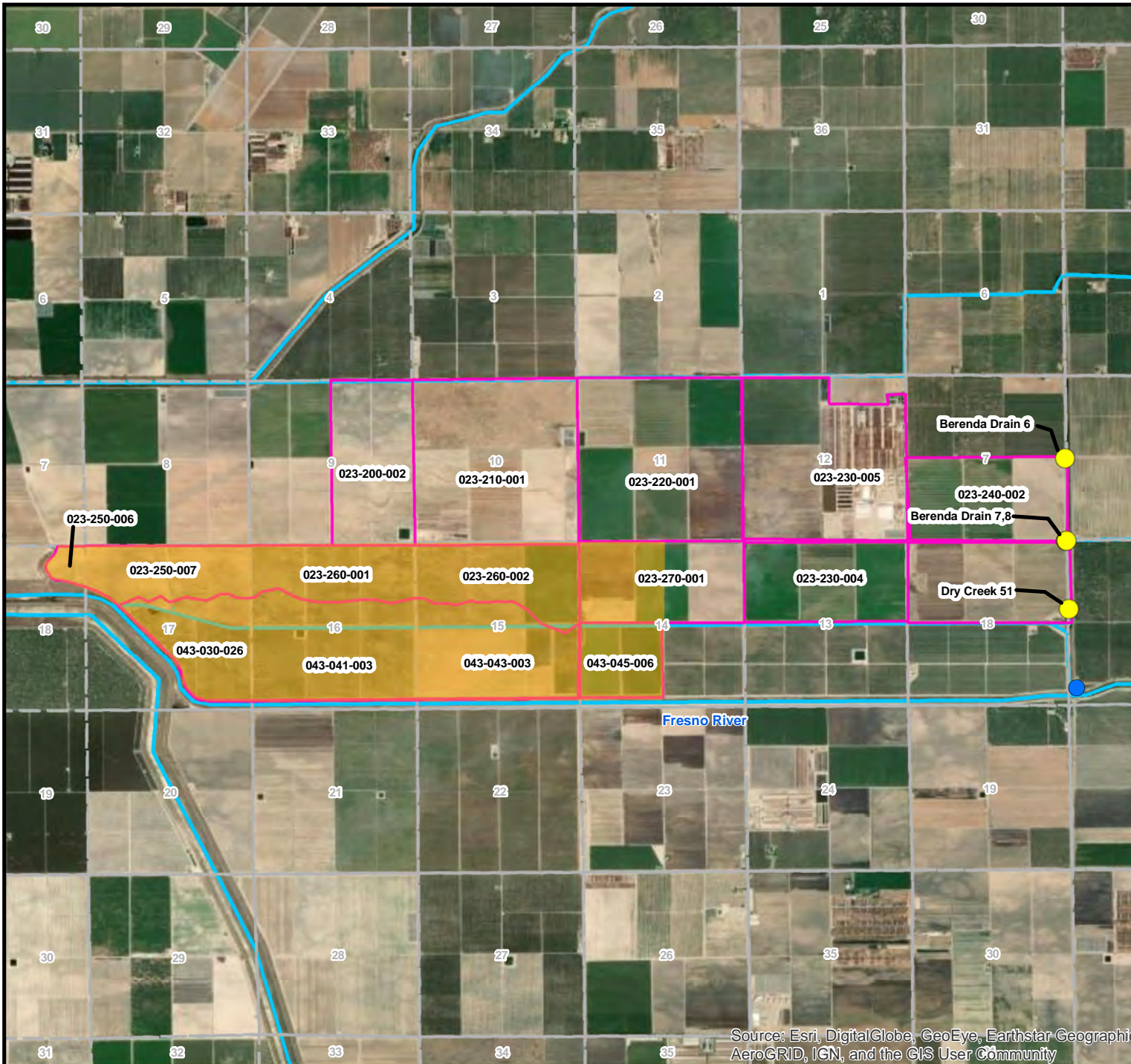


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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic AeroGRID, IGN, and the GIS User Community

EXHIBIT “J”



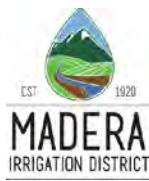
Costa View Riparian Lands

-  Riparian Land (1,800.00 acres)
-  Parcel
-  Section Boundary
-  Waterways
-  Point of Delivery
-  Point of Diversion ①

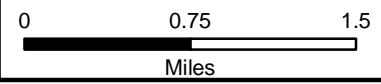
* Landowner also has Post - 1914 Appropriative Rights.

① The SWRCB will need to make a determination of locations and capacities of the POD's off of the Fresno River for Rd. 16.

Note: Boundaries are approximate








Date: 10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic AeroGRID, IGN, and the GIS User Community

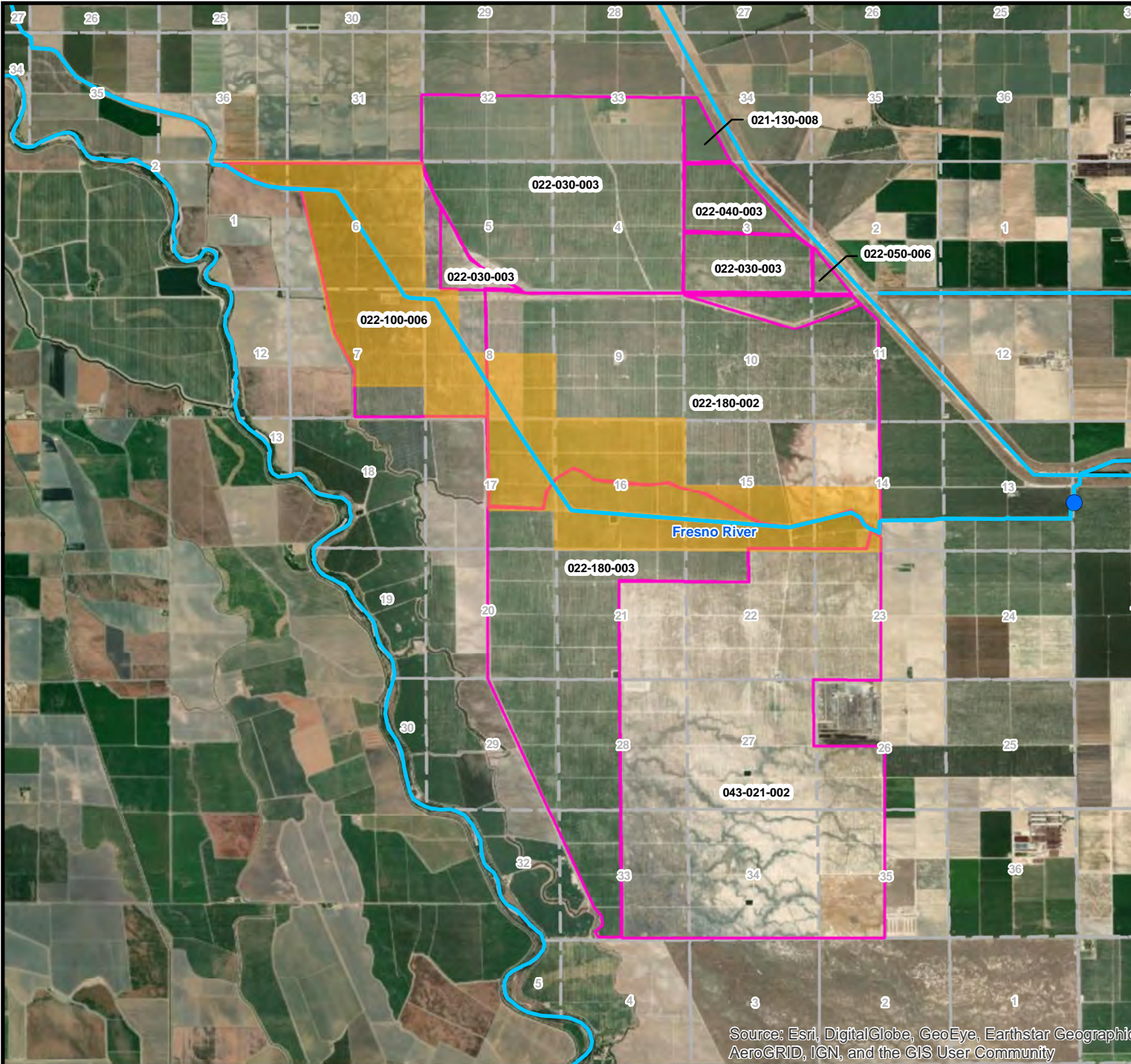
EXHIBIT “K”

John Hancock (Triangle T Ranch) Riparian Lands


-  Riparian Land (2,676.00 acres)
-  Parcel
-  Section Boundary
-  Waterways
-  Point of Diversion at Rd. 9

* Landowner also has Post - 1914
Appropriative Rights.

Note: Boundaries are approximate




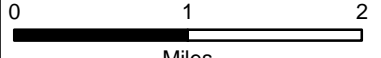
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic
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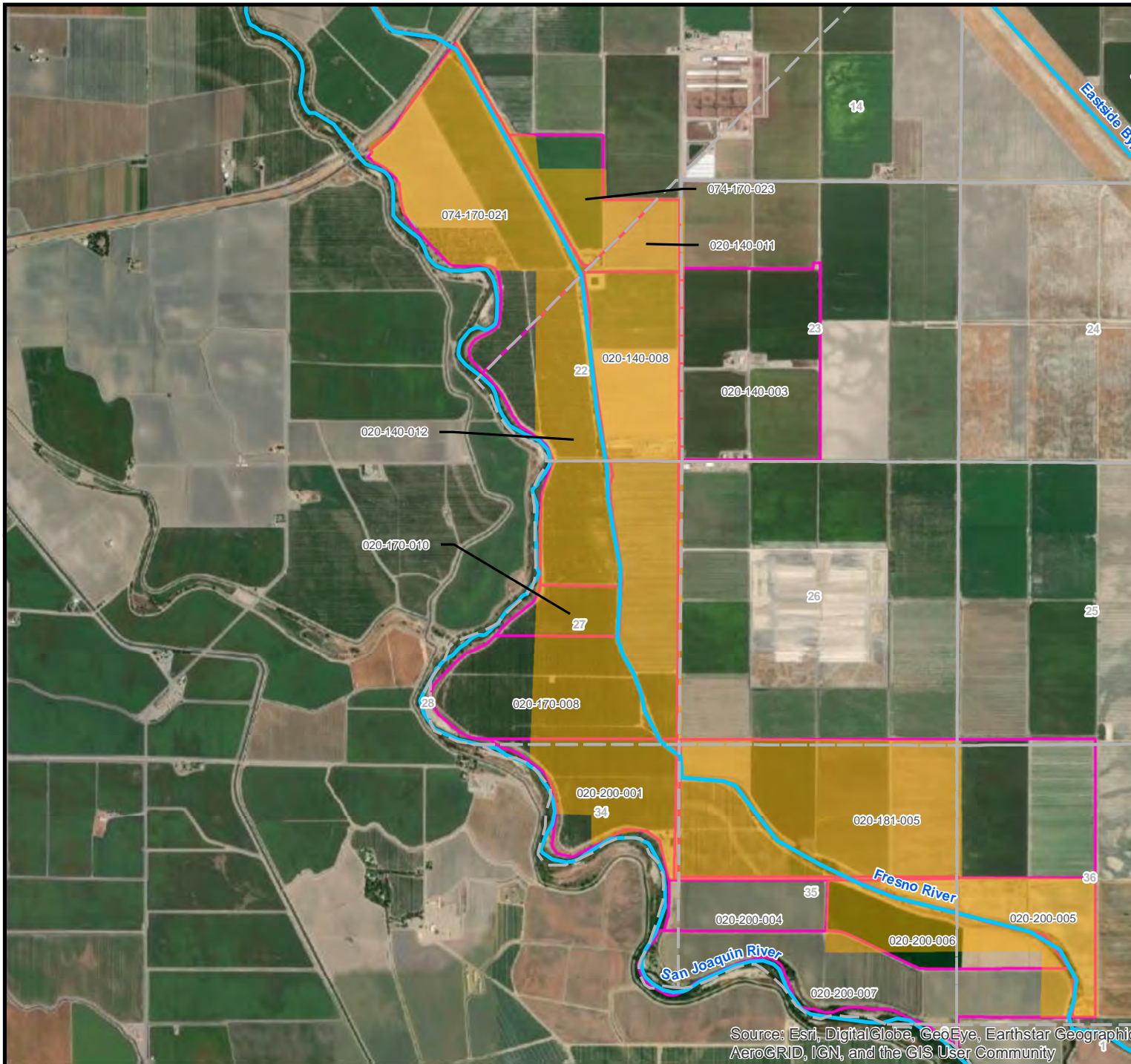









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EXHIBIT “L”

Harman/Vlot/John Hancock Riparian Lands

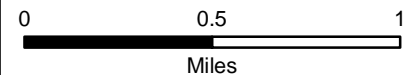


-  Riparian Land (1,497.00 acres)
-  Parcel
-  Section Boundary
-  Waterways
-  Point of Diversion at Road 9 (not shown)

Note: Boundaries are approximate

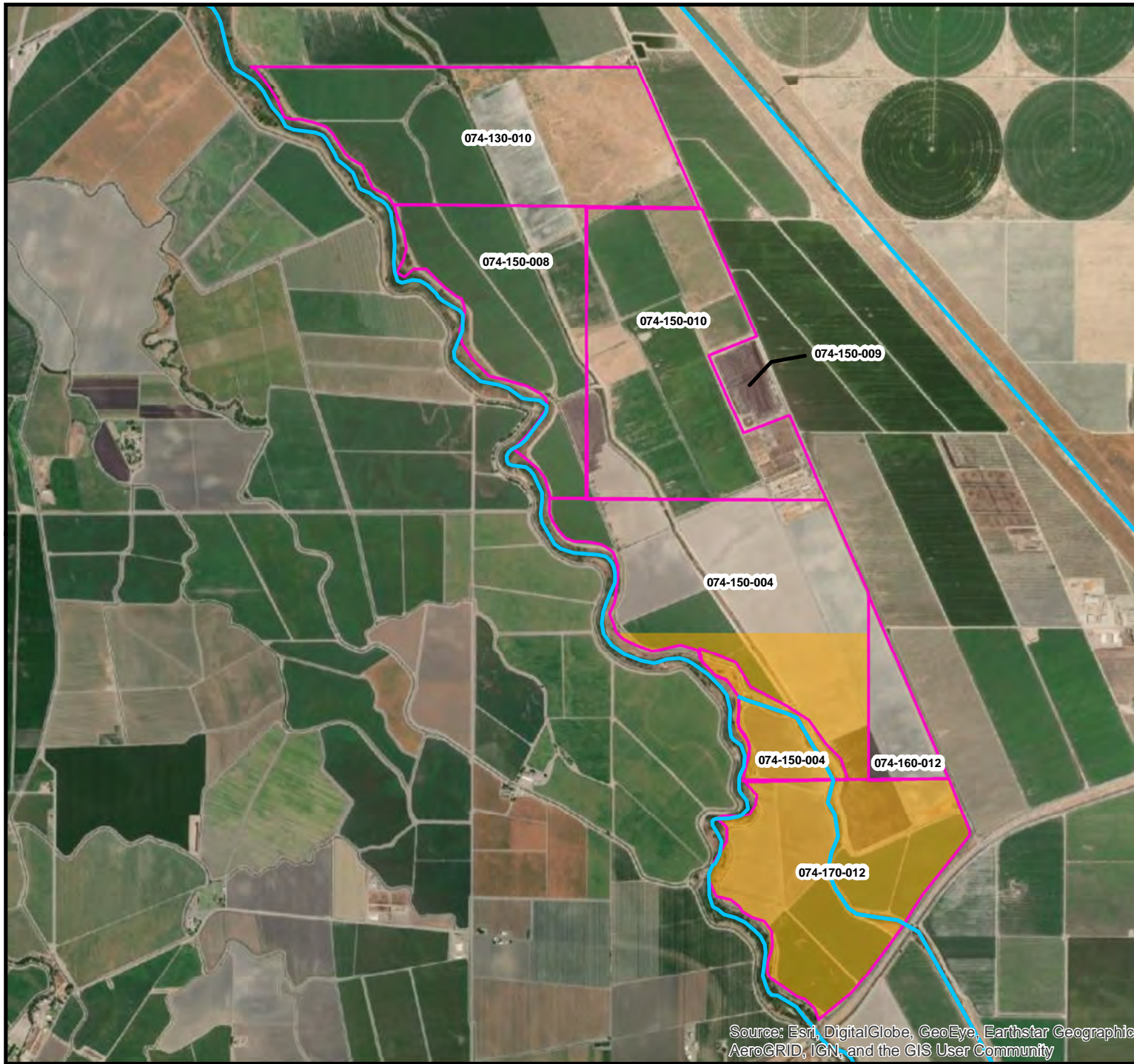


Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, AeroGRID, IGN, and the GIS User Community


EXHIBIT “M”



Menefee Riparian Lands


- Riparian Land (495.00 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion at Road 9 (not shown)
- * Landowner also has Post - 1914 Appropriative Rights.

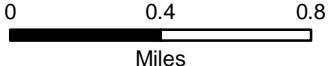
Note: Boundaries are approximate



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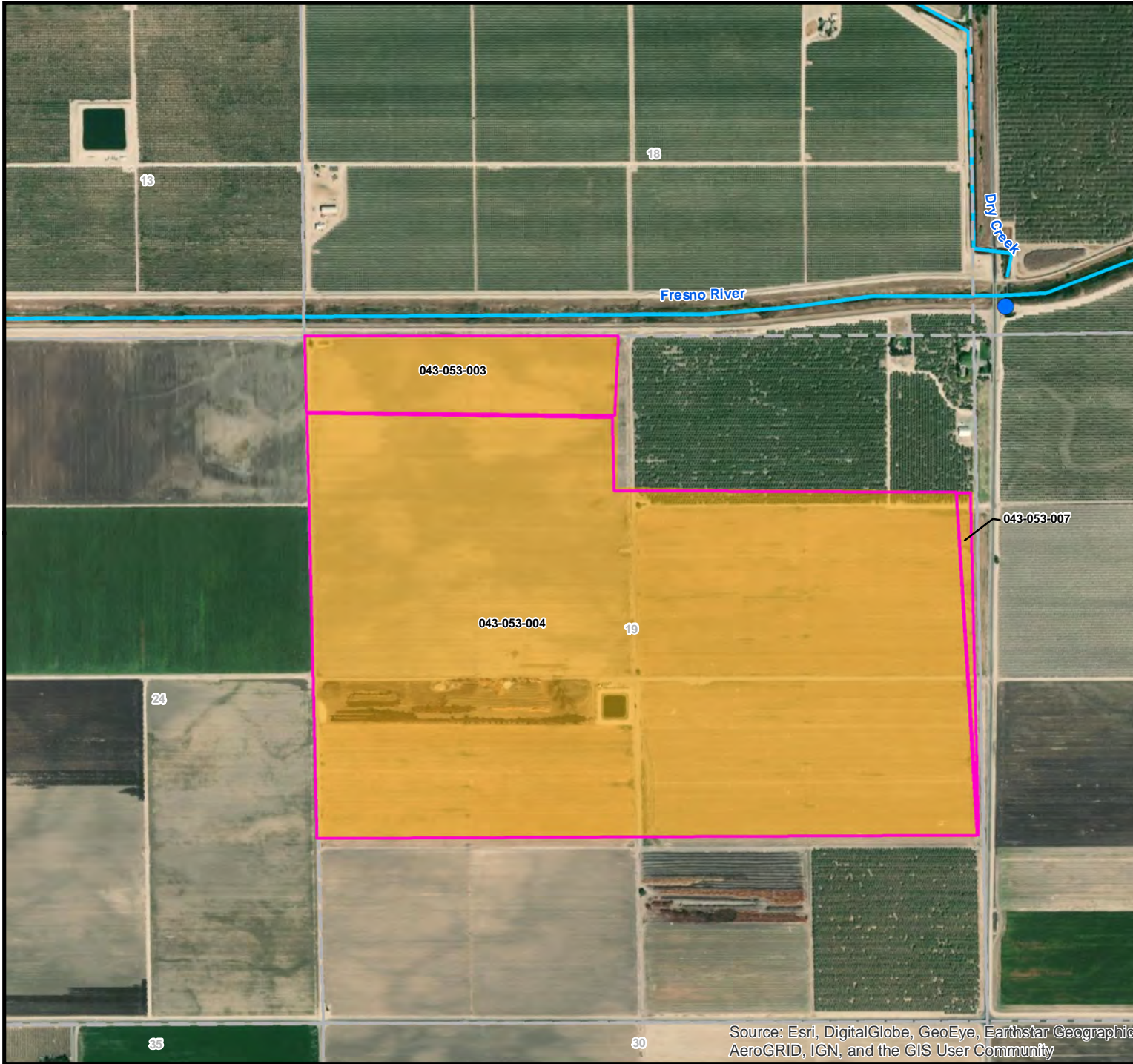
Date:
10/20/20





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographic AeroGRID, IGN, and the GIS User Community

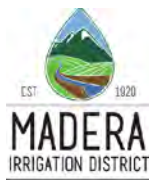
EXHIBIT “N”



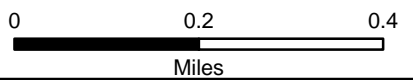
Tri-lest Dairy Riparian Lands

- Riparian Land (387.93 acres)
- Parcel
- Section Boundary
- Waterways
- Point of Diversion

Note: Boundaries are approximate



Date:
10/20/20



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, AeroGRID, IGN, and the GIS User Community

EXHIBIT “O”

**CHECK BOX AND SIGN BELOW IF YOUR
INFORMATION HAS NOT CHANGED SINCE
LAST YEAR'S SUBMITTAL**

If box is checked, no information below required except signature and date

2021 RIPARIAN AND APPROPRIATIVE RIGHT HOLDERS CROPPING INFORMATION
must be received by the District no later than 4:00 PM on Wednesday, December 30, 2020 with no exceptions.

Name: **Example Only**

This form must be filled out completely and accurately and all numbers must sum to be included in the 2021 Fresno River Allocation Model runs. Include below acreage of river bottom, fallow land, residences, etc., if riparian land.

Riparian Acres 0.00 ¹

Crop / Land Use	Acres	Cover Crop	Irrigation Type
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
Total		(Total must add up to Riparian Acres above)	

Appropriative Acres 0.00 ¹ (excludes overlapping acreage)

Crop / Land Use	Acres	Cover Crop	Irrigation Type
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
		Yes / No	Drip / Sprinkler / Surface / Other
Total		(Total must add up to Appropriative Acres above)	

Riparian / Appropriative Only Points of Diversion ²

MID reserves the right to inspect points of diversion, capacity, and request proof of permitting.

Point of Diversion Location: _____ ; Diversion Capacity: _____

Point of Diversion Location: _____ ; Diversion Capacity: _____

Point of Diversion Location: _____ ; Diversion Capacity: _____

Total Diversion Capacity: _____

Name (Print): _____

Date: _____

Signature: _____

By signing this form, the landowner is certifying that only the riparian and/or appropriative acreage is being provided to MID for allocation calculations.

The landowner is also certifying that they have the authority to sign this form and that the numbers are accurate.

1. Only documented cropped acres prior to December 31, 2019, will be included in the FRAM. The actual inputs into the FRAM may be adjusted accordingly.

2. Only those points of diversion that were included in the FRAM prior to December 31, 2019, will be recognized. The actual inputs into the FRAM may be adjusted accordingly.