

NOTICE OF EXEMPTION**Lead Agency/Applicant Name:**

Lower Tule River Irrigation District
 357 E. Olive Ave
 Tipton CA 93272

(SSA) 6886-4714

FILED
 TULARE COUNTY

FEB 18 2020

ROLAND P. HILL
 ASSESSOR/CLERK RECORDER
 BY:

To: Tulare County Clerk-Recorder
 221 S. Mooney Blvd., Room 105
 Visalia, CA 93291-4593

Project Title: Approval of Reclamation Contract No. 14-06-200-8237A-IR18

Location -- Specific: The District's service area within Tulare County

Location -- County: Tulare County

Description of Activity:

The United States, DWR, and the Lower Tule River Irrigation District entered into interim renewal Contract (long-form interim renewal contract) No. 14-06-200-8237A-IR1 which provided for the continued water service following expiration of Contract No. 14-06-200-8237A, which provides for a contract quantity of 31,102 acre-feet from the federal Central Valley Project.

The District now will execute a subsequent two-year interim renewal contract—Contract No. 14-06-200-8237A-IR18—on the same material terms and conditions as contained in Contract No. 14-06-200-8237A-IR17 and 14-06-200-8237A-IR5.

Name of Public Agencies Approving or Carrying Out Activity: Lower Tule River Irrigation District

Exempt Status:

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption.** Guidelines sections 15301.
- Statutory Exemption.** Guidelines section 15273

The project is categorically exempt pursuant to CEQA Guidelines section 15301 because it is a continued use of existing facilities, with negligible or no expansion of use beyond that currently existing. Examples in the Guidelines of the types of projects covered by this categorical exemption include "[e]xisting facilities of ... publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services." (Guidelines, § 15301, subd. (b).) A water distribution system is an existing facility for purposes of this categorical exemption. (*North Coast Rivers Alliance v. Westlands Water Dist.*, (2014) 227 Cal.App.4th 832.) The quantity of water available under the contracts considered for approval is the same as that available under the prior contracts, and all other material terms are unchanged for the two-year term of the contracts. Approval thus represents a continuation for two years without any changes of the use of existing facilities that were constructed in the past for the purpose of receiving and delivering CVP water and operation of those facilities to receive CVP water from the Bureau and deliver that water to customers for irrigation purposes on lands within the

District's service area. As a result, the project involves the continued use of existing facilities and no expansion of an existing use.

The project is also statutorily exempt pursuant to CEQA Guidelines section 15273 because the interim renewal contract has the effect of setting rates between the Bureau and the District and, in all other respects, merely continue existing water deliveries without any change. Pursuant to the continuation of the material terms of Contract No. 14-06-200-8237A-IR5, and specifically Articles 7 and 8, rates and charges for water furnished and conveyed pursuant to the contract will be established annually via the contract extensions. In Article 7, it is provided that "payments shall consist of the applicable Rates and Charges determined annually in accordance with applicable Federal law and associated regulations." Such rates are expressly for the "use of applicable Project facilities, including but not limited to San Luis Reservoir, and the computations and cost allocations upon which those rates are based." In Article 8 it is provided that "DWR shall determine the charge per acre-foot for conveyance of water through the SWP each year..." Such charges are expressly for the purpose of meeting operating expenses including transportation and operations, maintenance and repair (OM&R) costs. As a result, the project establishes rates and charges for meeting public agency operating expenses and is statutorily exempt pursuant to CEQA Guidelines section 15273.

Lead Agency Contact Person: Eric Limas

Telephone: (559) 686-4716

Signature: _____


Eric Limas

Title: General Manager

Date: _____

2/14/2020

- Signed by Lead Agency
- Signed by Applicant

Governor's Office of Planning & Research

FEB 20 2020

STATE CLEARINGHOUSE

Date received for filing OPR:

Date received for filing by County Clerk:
