

MOKELUMNE RIVER FORUM

MEETING No. 18

DRAFT MEETING SUMMARY

MEETING DATE: May 18, 2006

LOCATION: San Joaquin Farm Bureau
3290 North Ad Art Road
Stockton, CA 95215

ATTENDEES: Mike Harty
Tom Francis – East Bay Municipal Utility District
Mike Floyd – Department of Water Resources
Hank Willy – Jackson Valley Irrigation District
Gary Goffe – Calaveras Public Utility District
Mel Lytle – San Joaquin County Public Works
Jim Hanson – San Joaquin County Public Works
Bob Granberg – City of Stockton
Ed Pattison – Calaveras County Water District
Jim Abercrombie – Amador Water Agency
Rob Alcott – East Bay Municipal Utility District
Lena Tam – East Bay Municipal Utility District
Frank Beeler – City of Lodi
Tom Orvis – San Joaquin Farm Bureau
John Skinner – East Bay Municipal Utility District
Charles Hebrard – Calaveras County Water District
Fred Weybret – North San Joaquin Water Conservation Dist.
Ed Steffani – North San Joaquin Water Conservation Dist.
Kevin Kauffman – Stockton East Water District
Tom Flinn – San Joaquin County Public Works

ACTION ITEMS AND AGREEMENTS

1. Mike Harty is to forward (via email) the final version of the draft assurances document to all members.
2. Mike Harty will prepare an info memo that members can use (if they so choose) to better inform their counsel and/or governing board about the intent of the assurance document.
3. Forum members are asked to provide the copy of the final version of the assurance document to their respective legal counsel for review and approval of form / content. Any issues should be brought back to the Forum for resolution. It

- is important that Forum members ultimately adopt identical versions of the Assurances.
4. If a Forum member's legal counsel has comments to the assurance document, the member is directed to discuss said comments with their regional representative:
 - a. Agencies within up-country are asked to coordinate with Jim Abercrombie / Amador Water Agency (AWA) Counsel.
 - b. Agencies within San Joaquin County are asked to coordinate with Mel Lytle / San Joaquin County Public Works (SJCO) Counsel.
 5. Jim Hanson and John Skinner will further review the scope of the Water Availability Study (WAS) and estimate the time needed to prepare the study and staffing requirements. Their scoping effort is expected to lead to a suggested approach to performing and completing the study. Jim and John are to present this scope review at the June Forum meeting.
 6. Jim Hanson and John Skinner will consider whether presentations associated with WAS matters should be videotaped (in order to preserve the discussions for re-viewing without the need to re-present).
 7. Mike Harty will continue efforts to gauge the interest of the environmental community to participate in the Forum. Mike intends to ask for the groups to identify a representative(s) that will commit to attending the Forum on a regular basis.
 8. At the July meeting, Mel Lytle will provide the Forum an update regarding the Northeast San Joaquin Groundwater Banking Authority's (GBA) Integrated Regional Water Management Plan (IRWMP) preparation effort – with a particular emphasis on what inter-regional projects are being forwarded for consideration.
 9. Also at the July meeting, Jim Abercrombie will provide the Forum an update regarding the IRWMP preparation effort he is spearheading on behalf of various upcountry participants in Calaveras, Alpine and Amador Counties –with a particular emphasis on what inter-regional projects are being forwarded for consideration.
 10. Kevin Kauffman agreed to provide Breakfast at the June Forum meeting.
 11. The next meeting of the Forum will be held at the San Joaquin Farm Bureau's (SJFB) Stockton office from 9:00 am – 12:00 noon on June 15, 2006.

PRELIMINARY MATTERS

April Meeting Summary

Electronic copies of the minutes from the Forum meeting of March 16, 2006 were distributed in early April, 2006. Tom Gau commented via email that Tom Flinn's last name had been misspelled. The correction was included in the hard copy of the minutes provided at the start of the May meeting.

At the meeting, Frank Beeler of the City of Lodi (Lodi) requested that the March minutes be corrected to note that Lodi has used water meters to measure industrial customer water use for many years. Lodi is now taking steps to meter residential customers.

No other changes to the minutes were requested.

Agenda

The primary agenda topic was the discussion of the final draft version of the Assurances Document. Other topics included the regular round-the-table member update regarding activities since the last Forum meeting that may be of interest to the group. A brief discussion of the Water Availability Study as well as of potential water supply projects of interest to the group was also planned. No changes to the agenda were requested.

AGENDA TOPIC: UPDATES FROM FORUM MEMBERS

Department of Water Resources (DWR): Mike Floyd noted that the deadline for the submittal of Step 2 applications under Proposition 50 Chapter 8 had been extended from June 8, 2006 to June 28, 2006. Mike also handed out an information packet that provided details of the Step-2 application scores received by each agency that submitted Step-1 applications.

Jackson Valley Irrigation District (JVID): Hank Willy noted that JVID is working with an attorney to review their water rights (in particular, their existing incidental rights). JVID needed clarification of the time of use in order to plan for their diversions for domestic use. Other than the legal review, JVID has hired Jim Hanson of Hanson Engineering to help them finish their "Part 12 Drinking Water" reporting.

San Joaquin County Public Works (SJCO): Mel Lytle noted that Reclamation's appraisal study of the MORE Water Project is now complete, and that the Bureau intends to meet with SJCO this June to present the results of the study.

Mel also noted that the GBA (including elected officials that sit on the GBA board) met with EBMUD and two of their elected representatives this past May at the Spring meeting of the Association of California Water Agencies (ACWA). The purpose of the

meeting was to improve communication between the two groups. The next meeting between the groups would be at the Pardee BB-Q hosted in the early Fall by EBMUD.

Hanson Engineering, Inc./ consultant to SJCO – Jim Hanson noted that Woodbridge Irrigation District's (WID) Dam is completed, and that due to high flows on the Mokelumne the structure is at a high-pool level. While the Dam is functioning fine, the water level is such that only the top of the gates are visible / not under water.

City of Stockton – Bob Granberg noted that their Delta Water Supply Project is moving forward. Stockton is in the process of hiring an engineering consultant to prepare the design, and is also working with the U.S. Fish and Wildlife Service as well as with the U.S. Bureau of Reclamation on preparation of a Biological Opinion / Biologic Assessment.

Bob also noted that Stockton is preparing for another season of groundwater recharge efforts. Specifically, they are discing / ripping soils that form the bottom of recharge-basin number 2 in order to promote percolation. Stockton has started discussions with WID regarding the purchase of additional water for use in their recharge program.

Calaveras County Water District (CCWD) – Gary Goffe of CCWD noted that they are working on an IRWMP along with Jim Abercrombie of AWA. They have a number of projects that will be included in the IRWMP.

Charles Hebrard commented that CCWD had hired Dave Andres to serve as their new general manager. Mr. Andres comes to CCWD after working in a similar capacity for the City of Rio Linda. He also worked in the past for Cambria on water and wastewater plant design and construction efforts.

Amador Water Agency (AWA) – Jim Abercrombie and Rob Alcott met with Mel Lytle to discuss the options and methods to link the respective IRWMP's that Jim and Mel are spearheading. It was agreed that a section of each IRWMP would be devoted to inter-regional projects (e.g., projects that for various reasons are larger in scope than the region-specific projects are detailed in other portions of the respective IRWMPs). There was a commitment to work on crafting a shared chapter that would be included in each IRWMP (and hence illustrate linkage potential as well as acknowledge a shared interest in said inter-regional projects).

Jim also noted an AWA water right application had been noticed. The application is associated with a plan to receive water from JVIA through a water transfer.

Jim also mentioned that Amador's pipeline project is under construction. The undertaking will replace an old canal that currently is used to convey water.

Finally, Jim commented that the IRWMP effort he is leading continues to move forward. The effort is being performed with various up-country partner agencies as well as with EBMUD. One project he is particularly interested in (that is to be included in the IRWMP) is the raising of Lower Bear Reservoir by 30-35 feet, increasing storage and providing headwater benefits. It also could generate increased hydropower via the raised head, as well as be potentially of interest to SJCO as a component of an inter-regional water supply project or projects.

East Bay Municipal Utility District (EBMUD) - Rob Alcott reaffirmed that they were participating with AWA in an IRWMP. Rob also mentioned that EBMUD was in discussion with AWA about their recently noticed water right application. Rob also commented that the meeting between EBMUD and GBA staff (as detailed previously by Mel Lytle) was useful / valuable.

Rob briefed the Forum as to a change in water quality that is currently being observed as EBMUD treats raw water sourced from Pardee Reservoir. Specifically, algae present in the water (at an elevated level not seen in the past) are impacting EBMUD potable water production levels at EBMUD filtration plants. Plants are only able to run at approximately 60% max. production rate due to the algae. The cause of the elevated algae level was not fully understood, although it may be related to a forest fire last year (the “power fire”) that occurred within the watershed.

Lena Tam of EBMUD discussed the spring flooding that has occurred downstream of EBMUD’s reservoirs as a result of the wet weather and associated dam releases. Lena noted that the 5,000 cfs discharges that occurred earlier in the year are now over, and that the discharge level is now reduced greatly (to approximately 1,800 cfs). Lena noted that EBMUD has been in communication with SJCO regarding flood damage that had occurred to downstream landowners as a result of the high flows in combination with levee failures. She observed that both EBMUD and SJCO hoped to work to improve communication with SJCO residents and in particular with property owners along the Mokelumne River floodplain in order to inform those owners of flood discharges from the EBMUD reservoirs.

Lena also mentioned that a causeway that crosses the upper portion of Camanche Reservoir was closed due to a culvert failure. EBMUD is reviewing repair options in consultation with Amador County, the Federal Energy Regulatory Commission and the Federal Emergency Management Agency.

City of Lodi – Frank Beeler of the City of Lodi (Lodi) commented that Lodi staff had recommended to their governing board that a surface water treatment plant be constructed in order to make use of the water purchased from WID under the long term water transfer contract.

San Joaquin Farm Bureau (SJFB): Tom Orvis commented that the flooding noted by Lena Tam had impacted grape growers that were SJFB members.

Tom also noted that the SJFB was working on an existing-conditions report for the San Joaquin basin as well as on various legislative efforts (in particular, AB 1200 regarding the Delta Visioning process and SB 1556 regarding a California Delta Trail System, about which SJFB members have strong concerns).

North San Joaquin Water Conservation District (NSJWCD) – Ed Steffani commented that they are close to obtaining SWRCB approval to begin work on their CALFED-funded demonstration project.

Mr. Steffani also commented that NSJWCD has been working toward investigating the potential for groundwater recharge on a piece of property referred to as the Micke Grove site. Issues with the individual leasing the land have caused some delays / difficulties. It is Ed's hope that these matters can be resolved in order to continue the site suitability studies.

Stockton East Water District (SEWD) – Kevin Kauffman clarified that the GBA-EBMUD electeds meeting as detailed previously was intended primarily to communicate with EBMUD on issues pertaining to their Freeport Regional Water Project (and not to create an additional Forum-like activity). Kevin then discussed recent legislation (SB 1795) that was originally crafted to define groundwater recharge as a beneficial use and eliminate much of what many would view as unnecessary SWRCB permitting and regulatory oversight as currently required of a banking project. Mr. Kauffman noted that changes to the bill since its introduction have marginalized its value, and hence SEWD was anticipating the bill would not move forward at this time.

Mike Floyd noted that he had recommended that DWR support the bill in its original form, although he understood that SWRCB staff had concerns. Kauffman also noted that the Sierra Club had concerns with the bill.

Associated with current regulation of groundwater recharge projects (under the underground storage supplement) is a need for operators to identify all wells that would be pulling from storage (and quantify/monitor the withdrawals). Such a requirement is difficult since most projects are adjacent to agricultural properties and often there are many wells nearby. The bill would remove these requirements.

Following lengthy discussion, it was noted that this groundwater-related issue would likely be revisited in the future, since regulatory oversight may be implemented to a greater degree on existing recharge projects/owners elsewhere in the State, and oversight could lead to a quest by those impacted to introduce legislation and/or modify the role of the SWRCB.

AGENDA TOPIC: ASSURANCE DOCUMENT

Mike Harty led the group in a discussion of the completed final-draft version of the Assurances Document, a collaboration of a Forum subcommittee (e.g., Mike, Lena Tam, John Skinner, Jim Abercrombie, and Mel Lytle) and attorneys that represent their respective agencies. Mike noted that the following changes had been incorporated into the final-draft:

1. A decision was made to avoid creating special “caucuses”. A more open model was preferable, whereby all parties regardless of “type” would be asked to sign the document in order to participate in the full scope of Forum activities. Mike anticipates that any Forum members would likely be able to sign the assurance document with the exception of state agencies such as DWR and federal agencies such as the U.S. Fish and Wildlife Service.
2. Language that addressed water rights matters (as originally contained in Paragraph 8) was reduced.
3. Language was clarified to eliminate any inference that the document contradicts and/or was a supplement to the State water code.

Mike also noted that once the assurance document was signed, future meeting summaries would be prepared in a manner that did not detail Forum discussions of a nature that revealed “Forum information” as defined in the assurance document.

Ed Steffani noted that he was pleased with the inclusion of item #6 in the revised document, although he was unclear as to meaning of item #9. Jim Abercrombie commented that item #9 addressed area of origin water rights matters and was included at the request of up-country interests.

A request was made to further clarify the meaning of Forum Information (as referred to on page 2, line 3 of the agreement and again in item #6). Mike Harty indicated that he would work on a minor revision (perhaps a cross reference) to remove any confusion / meaning discrepancy.

Following a bit of additional discussion regarding the process on the part of the sub-group to prepare the assurance document, it was agreed that the following steps would be taken by members:

- Mike Harty will prepare an info memo that would be provided in the next day or two (e.g., shortly after this May 18th meeting) for use by each member to inform their counsel and/or board as to the intent of the assurance document and the process leading to its creation

- Mike Harty will provide an electronic version of the assurance document that includes all the final edits via email in the next day or two (e.g., shortly after this May 18th meeting)
- All members will provide the assurance document to their respective legal counsel for review and approval
- All members will relate to the counsel that the Forum subgroup would like this review to be conducted such that only substantive issues are proposed for modification, and that wordsmithing for the sake of wordsmithing was not viewed as productive.
- San Joaquin County-area members will work with SJCO staff / Mel Lytle to resolve any concerns identified by counsel
- Up-Country agencies will work with AWA / Jim Abercrombie to resolve any concerns identified by counsel
- Members will meet in June to update the Forum of any requested changes and/or potential obstacles to establishing final language. The goal is to have a finished document for signature by each agency's governing board after June meeting
- SJCO staff will inform Delta agencies of the assurance document via a mid-June San Joaquin County Advisory Water Commission meeting

While the members are working toward the approval of the assurance document, Mike Harty will continue his efforts to gauge the interest of the environmental community to participate in the Forum. Mike intends to ask for the groups to identify a representative(s) that will commit to attending the Forum on a regular basis. He hopes to meet with these interests in the next 1-2 months.

AGENDA TOPIC: WATER AVAILABILITY STUDY

A discussion took place on how to move forward with the Water Availability Study. Forum members briefly reviewed the scope of the work effort. It was noted that the study would not be able to proceed until the assurance document was signed.

Forum members directed Jim Hanson and John Skinner to meet during the next two to three weeks and further define the scope of work associated with the study. In particular, they were asked to estimate a study schedule and cost. Further, they were asked to provide a proposal for how certain study tasks could be performed, and whether said tasks could be performed by Forum members and their staff, or if outside assistance (i.e., consulting firms, DWR staff, etc.) was needed. Jim and John's evaluation is to be completed such that it can be presented to members at the June Forum meeting.

Rob Alcott of EBMUD noted that there is a concern that staff (including but not limited to EBMUD staff) may have existing work commitments that take precedence over Forum

matters, and hence while there may be a desire to have Forum members prepare studies, it may not be practicable.

Kevin Kauffman of SEWD suggested that in order that discussions on water availability study “matters” be preserved for re-use, presentations to the group could be videotaped. Future forum members would be able to view the tape in order to gain knowledge regarding matters pertaining to the water availability. Jim and John will review that suggestion and if they agree will report back to the group in June.

AGENDA TOPIC: POSSIBLE PROJECTS

Jim Abercrombie noted that based on the optimism he had for the approval by members of an assurance document, he hoped that discussion could move forward on a couple of projects that are of interest to multiple stakeholders / Forum members. One such project of which he would like to discuss is “raise Lower Bear Reservoir”. He also noted that SJCO may wish to discuss their “MORE Water Project”.

Jim suggested that that both projects had promise, yet they required Forum member support (and perhaps multi-agency participation and compromise) to move forward. The possibility of combining surface water storage with a groundwater banking project along with changes to San Joaquin County’s export ordinance would be likely discussion elements should any such project be considered in the Forum context.

In order to move said discussion along, it was agreed that Jim Abercrombie and Mel Lytle would each give an update of their IRWMP efforts at the July meeting, paying particular attention to the inter-regional projects that were included in their respective IRWMPs.

NEXT FORUM MEETING AGENDA DISCUSSION ITEMS

Discussion of member comments (if any) to the assurance document and their respective adoption plans.

A presentation by Jim Hanson and John Skinner regarding their scoping of the work effort proposed to prepare the Water Availability Study.

NEXT FORUM MEETING

The next meeting of the Forum is scheduled for Thursday, June 15th at 9:00 a.m. at the SJFB’s meeting facilities in Stockton.

Kevin Kauffman of SEWD agreed to provide breakfast at the next Forum meeting.

CLOSING

The May 18th Mokelumne River Forum Meeting was adjourned at approximately 12:00 noon.

NOTE: The initial draft of these meeting minutes was prepared by Tom Francis of EBMUD. Mike Harty reviewed and edited the draft. Please send comments or questions to Mike.

DRAFT