

## **MOKELUMNE RIVER FORUM**

### **MEETING No. 27**

#### ***DRAFT MEETING SUMMARY***

MEETING DATE: April 19, 2007

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

ATTENDEES: Mike Harty  
Tom Francis – East Bay Municipal Utility District  
Rod Schuler  
Hank Willy – Jackson Valley Irrigation District  
Gary Goffe – Calaveras Public Utility District  
Tom Gau – San Joaquin County Public Works Department  
Andy Christensen – Woodbridge Irrigation District  
Jim Hansen – Hansen Eng. / Consultant for San Joaquin Co.  
Ed Pattison - Calaveras County Water District  
Mel Lytle – San Joaquin County Public Works Department  
Lena Tam – East Bay Municipal Utility District  
Charlie Swimley – City of Lodi  
Mike Floyd – California Department of Water Resources  
Tom Orvis – San Joaquin Farm Bureau  
Gerald Schwartz – East Bay Municipal Utility District  
John Skinner - East Bay Municipal Utility District  
Bob Granberg – City of Stockton  
Tom McGurk – Stockton East Water District  
Kevin Kauffman – Stockton East Water District  
Ed Steffani – North San Joaquin Water Conservation District

#### **ACTION ITEMS AND AGREEMENTS**

1. Mike Harty will make meeting agendas available to the Stockton Record and the Lodi News Sentinel.
2. Bill Van Fields will be invited to attend meetings of the Mokelumne River Forum.
3. Ed Steffani will ask Fred Weybret to speak with Ross Farrow to learn more about his interest in the Mokelumne River Forum and potential use of meeting minutes.
4. Gerald Schwartz will continue to plan for a meeting of Elected Officials to be held in conjunction with the May ACWA conference. Assuming he is able to secure a suitable meeting location, he'll report-back those arrangements to Mike Harty. Mike will then forward meeting details to the Forum.

5. Mel Lytle will develop additional cost details for the proposed Inter-Regional Conjunctive Use Project (I-RCUP) initial studies / work effort.
6. Mike Floyd will meet with DWR's grant funding staff to determine if there are programs (current or proposed) and/or funding set-asides that could be sourced to help pay a portion of the costs of the I-RCUP initial studies / work effort.
7. The Forum subcommittee consisting of Jim Abercrombie, Edwin Pattison, Kevin Kauffman, Mel Lytle, Lena Tam and John Skinner will continue I-RCUP MOA development discussions.
8. Forum members will check-in and/or seek feedback from their respective agency decision makers to assess their current view of the I-RCUP project and the proposed work effort that would be required.
9. Gary Goffe of Calaveras Public Utility District (CPUD) will provide breakfast for the May 17, 2007 Forum meeting, which will be held at the San Joaquin Farm Bureau's Stockton offices beginning at 9 am.

<b>PRELIMINARY MATTERS</b>
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**March Meeting Summary**

An electronic version of the March 21, 2007 draft meeting summary was distributed via email prior to the April Forum meeting. No changes were requested by Forum participants.

**Purpose and Agenda**

Participants adopted the draft agenda. The primary purpose for the meeting was to review the draft Memorandum of Agreement (MOA) as developed for the preparation of I-RCUP initial studies / work effort. Secondary topics included a discussion of Draft Principles of Agreement as crafted by SEWD and EBMUD which are intended to address and/or resolve water rights protests by various parties. Other topics, including a proposal to try and determine an alternative date and time for standing Forum meeting, were also to be discussed.

**AGENDA TOPIC: UPDATES FROM FORUM MEMBERS**

*Jackson Valley Irrigation District (JVID):* Hank Willy noted that the agency was continuing to move forward on a water right matter.

*Calaveras Co. Water District (CCWD):* Ed Pattison commented that CCWD was contacted by Jim Abercrombie of Amador Water Agency (AWA) to determine if CCWD was willing to participate in a cost-share for the preparation of studies to determine the feasibility of raising Lower Bear Reservoir. Ed understood that AWA was seeking approximately \$40,000 in cost share from each agency invited to 150,000 from CCWD and that other entities such as EBMUD were being asked to participate in the study the cost share as well.

*San Joaquin County Department of Public Works (SJC):* Mel Lytle commented that the Northeastern San Joaquin County Groundwater Banking Authority (GBA), of which SJC is a member, continues to work on an Integrated Regional Water Management Plan (IRWMP). The GBA anticipates that the IRWMP will be completed in draft form by early June 2007 and adopted by the GBA board in July 2007.

SJC has prepared and submitted a petition for reconsideration of the SWRCB's action cancelling the County's water right application. Copies of the petition were sent to all parties who had protested the water right application.

SJC submitted a FERC filing for the MORE Water / Duck Creek project in early 2007. The filing submitted to FERC three years prior generated twelve (12) protests. This current filing only generated three (3) protests. Mel partially attributed the reduction in number of protesting parties to the successful relationship-building that has occurred at the Forum.

*East Bay Municipal Utility District (EBMUD):* Lena Tam provided a brief update on the hydrologic conditions in the River / EBMUD's Foothill reservoirs and watershed. EBMUD has convened its drought management committee. Snow content in the watershed is at 56% of average for this time of year. EBMUD is also short with regard to total system carry-over storage (from last year) and is asking the Board to request voluntary rationing (customer cutback by 15%). Further, agreements with NSJWCD and other downstream water rights holders will be governed by dry-year release criteria.

As for EBMUD's Camanche Water Right Permit Extension recently noticed by the SWRCB, none of the seven filed protests have been accepted as of today. EBMUD was able to resolve one protest as raised by a Mokelumne River senior water rights holder.

Senator Machado approached EBMUD general manager Dennis Diemer with a request to meet with the Senator and Kevin Kauffman to discuss water rights matters. As a follow-up to that discussion, EBMUD and SEWD prepared a Memorandum of Agreement (MOA) / Principles document that would be circulated in draft form to various other parties for review and comment. See Kevin Kauffman's comments below.

EBMUD will soon be awarding construction contracts for various stages of the Freeport Regional Water Project (FRWP). EBMUD also has been asked to participate as a cost-share partner on an effort lead by AWA to review an option to raise Lower Bear Reservoir (see above).

Gerald Schwartz advised that he had been contacted by William Van Fields, a member of the Morada Municipal Advisory Council, and Ross Farrow, a reporter with the Lodi News Sentinel, regarding the Mokelumne River Forum meetings. Both asked if they could regularly receive copies of the minutes and meeting agendas. Mr. Van Fields also asked if he could attend future Forum meetings.

Following a group discussion, it was decided that both Mr. Farrow as well as the reporter that covers environmental matters for the Stockton Record would be sent regular meeting agendas. Ed Steffani was asked to have Fred Weybret speak with Mr. Farrow to get a bit more information regarding his request in order for the Forum to make a more informed decision. Mr. Fields will be sent minutes and agendas and will be invited to attend Forum meetings.

*Department of Water Resources (DWR):* Mike Floyd discussed Proposition 50, Ch.8 IRWMP Implementation Grant plans regarding a second round of funding. The dollars available for a Round 2 would likely be small (approximately \$11.5 million available to Northern California).

Draft application guidelines for how to apply for Prop. 84 funds are in development and will be released shortly for public comment.

Mike advised that he had developed a draft letter to support SJC's Mokelumne River water right application and illustrate that DWR has participated with SJC on numerous water resource / groundwater efforts as of late. The letter would be in response to the denial by SWRCB of the SJC water right application (see discussion above). The DWR letter, assuming it is approved by Mike's superiors, would be sent to the SWRCB shortly.

*San Joaquin Farm Bureau (SJFB):* Tom Orvis noted that draft legislation to address the issue of metal theft that is impacting agricultural landowners and irrigation districts is moving forward (AB 884, AB 1372, and AB 447). SJFB is tracking interest in SB 59 (which deals with proposed reservoir development in the State). Chris Shearing of the State Farm Bureau will be taking a lead role on water-related matters and legislation, including Delta Vision.

*City of Stockton (Stockton):* Bob Granberg provided an update regarding the Delta Water Supply Project (DWSP) including their plans to award the design-build contract by [July](#) of 2007. In addition, the City plans to submit a grant application for the DWSP (through the GBA) for Round 2 IRWMP implementation grant funding.

*Stockton East Water District (SEWD):* Kevin Kauffman reported that Senator Machado contacted him and his agency to discuss recent SWRCB actions regarding their denial of NSJWCD's water right extension request, their cancellation of SJC's Mokelumne River water right application, and the EBMUD water right extension request currently under review. The Senator asked EBMUD to be included in the discussion. As a follow-up to a meeting held between the parties, a set of draft principles were developed that included an agreement (by EBMUD and those agencies in San Joaquin County who have protested EBMUD's extension request) to mutually drop protests regarding water rights permit applications and extension requests. Kevin shared the draft principles with Forum participants. It was noted that there would likely be edits to the principles and changes to better address various agency concerns, and any comments to the principles could be shared with Kevin Kauffman once those at the Forum had the time to review and consider them. It was the Senator's hope that the principles could be finalized and agreements reached prior to a proposed June 21, 2007 SWRCB hearing to reconsider the cancellation of the NSJWCD water right.

*North San Joaquin Water Conservation District (NSJWCD):* Ed Steffani gave an update regarding their proposed well charge / groundwater use rate fee. He continues to be optimistic that support from the community (landowners as well as cities and the County) will allow them to move forward and implement the charge later this year.

*City of Lodi (Lodi):* Charlie Swimley of Lodi noted that the City had awarded a \$17M contract to construct a wastewater treatment plant to Western Water. The City is reviewing options for the possible installation of customer water meters.

<p style="text-align: center;"><b>AGENDA TOPIC: DRAFT MEMORANDUM OF AGREEMENT (MOA) FOR I-RCUP WORK EFFORT</b></p>
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Tom Francis gave an overview of the Draft Memorandum of Agreement (MOA) developed by the Forum subcommittee for the proposed I-RCUP work effort. The MOA was organized based on Regional Caucuses, Caucus Lead Agencies, a Program Management Committee, and an Administrative Agency for grant applications and work effort contracting purposes. Forum members offered these comments:

1. Some agencies (such as CCWD) preferred a JPA approach vs. an MOA. While more formal and perhaps more time consuming to develop, they believe a JPA could include language that better reflects their needs related to an I-RCUP effort.
2. Many Forum members present wanted a clearer picture about what the I-RCUP work effort would cost and what their particular cost-share may need to be (particularly if State funding sources are limited). Mel Lytle agreed to develop a more detailed I-RCUP work effort cost estimate as a follow-up action item over the coming month.
3. The timeframe for MOA development / finalization appeared uncertain. Some asked why it was being developed so quickly and/or appeared to be rushed, and

whether the timeframe was linked to a potential role for Sen. Machado. In any event, perhaps more time can be spent either developing the MOA and/or crafting a JPA.

4. There was a concern that a more detailed project financing proposal / cost share should be included in the MOA and/or the JPA.
5. CCWD preferred to maintain a unique voting right and did not approve of a "Foothill Caucus" approach. A re-working of the decision-making structure was in order from this perspective.
6. Potential outside funding sources needed to be better defined. Mike Floyd was asked to speak with State grant personnel to determine if funds for this work could be sourced from either Prop. 84, AB 303 and/or some State discretionary fund. He will report back at the next Forum meeting.
7. Who (or which group or body), if there was to be a grant application made, would make such an application? There was concern that the "administrative agency" approach detailed in the MOA may not be agreeable to all parties.

It was agreed that funding information gathered by Mike Floyd and project cost information as compiled by Mel Lytle would be shared at the next Forum meeting, and from there more planning could take place to address how an MOA and/or a JPA could be moved forward / be edited. In addition, the Forum subcommittee should continue to meet to work out MOA/JPA details and take into account the comments generated at today's Forum meeting.

All Forum members were asked to check in with their respective decision makers to make sure that they are comfortable with the I-RCUP project as it currently stands. For example, there is some concern on the part of CCWD about upstream storage components being incorporated into the I-RCUP in order for CCWD to be agreeable to the concept. Those components are not directly called-out in the current project proposal. The group discussion revealed that upstream storage may or may not be a final I-RCUP component depending on feasibility study recommendations and how the project was ultimately defined.

<p style="text-align: center;"><b>DISCUSSION TOPIC: ELECTED OFFICIALS MEETING PROPOSED TO COINCIDE WITH THE MAY 8-10 ACWA CONFERENCE IN SACRAMENTO</b></p>
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Mike Harty asked the group to consider the merits of holding an Elected Officials meeting as currently proposed to coincide with the May 8-10 ACWA conference in Sacramento, California. There was some concern that meeting with elected officials when progress was minimal may be a bad idea. Another opinion was that meeting to provide a general status update would be a good idea (it would maintain project momentum and interest and help in the relationship-building process between the various elected reps).

The group decided to proceed with an elected's meeting. Gerald Schwartz will continue to work to find a suitable time and meeting place. No final plans were made as to location, time and/or whether a meal or a snack would be served. Gerald will follow-up with Mike Harty once details are finalized, and Mike will alert the Forum members prior to the week of the proposed elected's meeting.

*In the days following the April Forum meeting, the elected's meeting was scheduled to take place on May 10, 2007. It will be a luncheon at the State offices of the California Farm Bureau in Sacramento, California.*

#### **AGENDA TOPIC: POTENTIAL ALTERNATIVE FORUM MEETING DATES**

Mike Harty reported that he had been unsuccessful thus far at identifying an alternative day to hold the Mokelumne River Forum. He will continue to work with various groups that could not attend the Forum meeting on the 3<sup>rd</sup> Thursdays to determine if any other alternative exists. *Mike subsequently contacted Forum members to determine if the 1<sup>st</sup> Thursday of the month was a viable alternative. Mike will update the Forum during the May meeting regarding any proposed plan to move the standing date.*

#### **CLOSING**

The April 19, 2007 Mokelumne River Forum Meeting was adjourned at approximately 12:00 noon.

#### **NEXT FORUM MEETING**

The next meeting of the Forum is scheduled for Thursday, May 17, 2007 at 9:00 a.m. at the SJFB's meeting facilities in Stockton.

CPUD agreed to provide breakfast at the next Forum meeting.

**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.**