

**MOKELUMNE RIVER FORUM**  
**MEETING No. 35**  
***DRAFT MEETING SUMMARY***

MEETING DATE: January 3, 2008

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

ATTENDEES: Mike Harty  
Tom Francis – East Bay Municipal Utility District  
Eric Hong – California Dept. of Water Resources  
Mike Floyd – California Dept. of Water Resources  
Rod Schuler – Amador / Retired  
Hank Willy – Jackson Valley Irrigation District  
Gary Goffe – Calaveras Public Utility District  
Tom Flinn – San Joaquin County Public Works Dept.  
Mel Lytle – San Joaquin County Public Works Dept.  
Tom Gau – San Joaquin County Public Works Dept.  
Dave Andres – Calaveras County Water District  
Ed Pattison – Calaveras County Water District  
Lena Tam – East Bay Municipal Utility District  
Jim Abercrombie – Amador Water Agency  
Gene Mancebo – Amador Water Agency  
Andy Christensen – Woodbridge Irrigation District  
Rob Alcott – East Bay Municipal Utility District  
Pete Bell – Foothill Conservancy  
Gerald Schwartz – East Bay Municipal Utility District  
Bob Granberg – Stockton Municipal Utility Dept.  
Tom McGurk – Stockton East Water District  
Tom Orvis – San Joaquin Farm Bureau  
Kevin Kauffman – Stockton East Water District  
Ed Steffani – North San Joaquin Water Conservation District  
William Fields – Moraga Irrigation District  
John Herrick – South Delta Water Agency

<b>ACTION ITEMS AND AGREEMENTS</b>
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1. Mel Lytle of San Joaquin County Dept. of Public Works (SJC) will edit the scope of work (SOW) as prepared for SJC's pending Phase 3 Feasibility Study of the MORE WATER Project. The SOW will be edited to include a review of the IRCUP project.
2. Mel Lytle will provide the edited SOW as referenced above to Rob Alcott of EBMUD.

3. Rob Alcott of EBMUD will share the edited SOW with certain members of the Upper Mokelumne River Watershed Authority (UMRWA) for their review and comment.
4. UMRWA-generated comments to the revised SOW (for the Phase 3 Feasibility Study) will be provided to Mel Lytle for his review and consideration.
5. In the event that it appears a mutually acceptable agreement can be reached regarding a revised Phase 3 Feas. Study SOW, the revised SOW will be a topic for discussion at the Feb. meeting of the Mokelumne River Forum (Forum).
6. EBMUD agreed to provide Breakfast for the February Forum meeting.

## PRELIMINARY MATTERS

### **December Meeting Summary**

An electronic copy of the December meeting summary was provided to Forum members via email several days prior to today's meeting. A printed copy of the December meeting summary was available to attendees. No corrections were requested.

### **Purpose and Agenda**

The primary purpose of the January Forum meeting was to review key interests and goals related to an Inter-Regional Conjunctive Use Project (IRCUP), consider options for a feasibility study, and make decisions about a Forum work plan that would be presented at a March 6, 2008 elected officials meeting.

A secondary purpose was to reach a decision about further steps to address the role of water rights as they relate to IRCUP decision making.

## AGENDA TOPIC: UPDATES FROM FORUM MEMBERS

*California Dept. of Water Resources (DWR):* Eric Hong of DWR noted that there were 122 grant applications submitted on Dec. 11<sup>th</sup> by various agencies hoping to get funding for groundwater projects and programs via the AB 303 grant program. Mr. Hong anticipates that award announcements would be made in the spring of 2008.

Mike Floyd of DWR provided an update on behalf of WRIME, Inc., in regards to WRIME's status as they work to complete IRCUP-related documents. Per Mike, WRIME has received a number of comments to their draft Scope of Work document. Mike anticipates that Ali Teghavi of WRIME will incorporate those comments / complete the SOW by the middle to end of January 2008. Both the SOW and the accompanying Water Rights document, as also prepared by WRIME, will remain draft versions vs. being prepared as "final" documents. Mr. Floyd anticipates that the documents will be distributed to the Forum via email / in electronic format.

*San Joaquin Co. Dept of Public Works (SJC):* Mel Lytle noted the following:

- “Freeport Element” Study - SJC held a study kick-off meeting with GEI / Bookman Edmonston on Dec. 21<sup>st</sup>. The study will review issues pertinent to SJC’s potential use of the Freeport Regional Water Project to convey water (as sourced via SJC’s American River water rights filing) to the County. Mel anticipates that the study will take approx. 18 months to prepare / complete.
- “MORE WATER Project” – The \$100k as had been earmarked by the Fed. Government (in the Water Resources Development Act (WRDA) legislation) for the MORE WATER Project was removed from the legislation. Dr. Lytle understands that Sen. Feinstein had conversations with individuals representing Foothill agencies / concerns that in turn lead her to believe that proposed opposition to the project should be addressed first by SJC (and hence the monies were not appropriated). SJC will work to address this matter and hopes to have the funding restored as part of next year’s Fed. WRDA budget.

*Calaveras County Water District (CCWD):* Ed Pattison noted that CCWD was one of the 122 agencies that submitted an AB 303 grant application. CCWD is planning to work with the Army COE regarding a potential conjunctive use study that would be performed to review groundwater basin matters pertinent to his District.

*East Bay Municipal Utility District (EBMUD):* Lena Tam of EBMUD provided these updates:

- EBMUD received word from the State Water Resources Control Board (SWRCB) that they had accepted protests as filed in response to EBMUD’s Request for an Extension of their Camanche Water Right application. Lena noted that in the correspondence, SWRCB mentioned the portions of the individual protests that were accepted.
- EBMUD is planning to meet with various San Joaquin Parties to discuss Protest Resolution Settlement Principles on Jan 10, 2008.

*Woodbridge Irrigation District (WID):* Andy Christiansen of WID advised that the construction of a fish screen (sized for a river flow of 414 cfs / expected be complete by April 2008) continues to move forward as planned.

*City of Stockton (Stockton):* Bob Granberg of Stockton noted that the City’s permitting efforts regarding their Delta Water Supply Project (DWSP) is moving forward. The City hopes to receive a 404 permit any day now. Delta Smelt issues remain a matter of concern with the permitting agencies and hence may be woven into the requirements as set for the operation of the DWSP.

*Stockton East Water District (SEWD) –* Kevin Kauffman addressed the following topics:

- San Joaquin area representatives were not able to meet with EBMUD in December 2007 as originally planned (to discuss settlement resolution principles).

- Mr. Kauffman understands that discussion is now scheduled to take place on Dec. 10<sup>th</sup>.
- Kevin mentioned that San Joaquin County staff are crafting some language that they would like to see included in the principles. That language will be shared with EBMUD on the 10<sup>th</sup>.
  - A water summit conference is proposed for early April 2008. The summit will be held at the University of the Pacific. The intended audience is the macro-economic community of the San Joaquin County region (vs. water agency reps.). Kevin is seeking to inform that econ. group as to the needs and issues associated with the area's water supply and water resources.

### **AGENDA TOPIC: Interest Statements**

Mike Harty began the discussion by reviewing the assignment as given to Mel Lytle of SJC and Rob Alcott of EBMUD at the December 2007 Forum meeting.

Rob and Mel were asked to develop interest statements summarizing what agencies in their particular sub-groups wanted from an IRCUP (Mel's subgroup = San Joaquin County / Groundwater Banking Authority agencies and Rob's subgroup = Upper Mokelumne River Watershed Authority agencies)

As Mike Harty pointed out, it was his understanding, following discussions with various Forum members, that many were hoping for tangible results to be derived in 2008, to keep an IRCUP on the development track vs. continual "wheel spinning", as perhaps has been happening. Hence properly articulating needs and interests as related to an IRCUP was important

#### **UMRWA Interest Statements**

Rob Alcott of EBMUD provided a one-page handout summarizing the IRCUP interests and needs for several UMRWA agencies (i.e., EBMUD, CCWD, AWA, and the Foothill Conservancy). Jim Abercrombie of AWA pointed out that statements were developed over the Christmas holiday period. Hence he had not been able to review the work as prepared by Rob and as a result noted that interests and needs as attributed to AWA were not entirely correct (that several were outdated / required revisions).

#### CCWD Interests

Starting with CCWD, Rob asked Ed Pattison of CCWD to detail his agency's "needs". Ed discussed the list as prepared on the handout, making the following comments:

- CCWD has major problems associated with the groundwater basin that underlies a portion of their service area. They get calls daily regarding the basin and its ability to meet the needs of the growing community.

- CCWD is looking for ways to manage surface water from the New Hogan Reserv. and the GW Basin conjunctively – wanting enhanced water supply reliability and flexibility.
- CCWD is looking for ways in which to get some economic benefit from the portion of their Mokelumne River water rights as currently held / not being used (during the period in which CCWD grows / until the need that full entitlement).
- Edwin noted that the 1958 agreement between CCWD and EBMUD merits re-negotiation
- CCWD has a “priority need” to constructing new infrastructure.

Rob Alcott briefly mentioned that the 1958 agreement (between EBMUD and Calaveras Co. / Amador Co.) was an old agreement, prepared during a time of litigation. EBMUD’s lawyers likely view it differently that AWA and CCWD lawyers. In Rob’s view, the 1958 agreement is likely a good tool should all agencies be content to maintain the “status quo”, but perhaps is lacking should any future project, such as the IRCUP, be contemplated for the region.

Edwin was asked to briefly discuss where recharge basins / groundwater recharge could be located in Calaveras County. Mr. Pattison discussed a golf course development located in a region central to the groundwater basin that could be adapted to facilitate a recharge project. Per Edwin, the geology (white sands) within that particular location merits further review and consideration.

#### EBMUD Interests

Mr. Alcott asked Lena Tam of EBMUD to outline her agency’s needs and interests.

Ms. Tam mentioned that her agency is in the process of preparing a study to assess its water supply needs through the year 2040. While the construction of the FRWP will help the agency address its supplemental supply needs during times of drought, that need is changing (as the District grows and as its water demands increase). EBMUD is also reviewing its current “25%-level reduction” rationing assumption / approach. The IRCUP would serve as one of the portfolio projects that EBMUD would employ to help it meet its water needs.

#### Foothill Conservancy Interests

Pete Bell of the Foothill Conservancy (Conservancy) was asked to discuss his organizations needs and / or concerns.

Mr. Bell mentioned that the Conservancy wants to see functional aspects of the River not be diminished by any future water projects, including an IRCUP. They’d seek to have sound information that supports a finding that all water agencies are using the rights / facilities they already “have” to their maximum efficiency before those agencies seek additional waters / resources. Finally, the Conservancy wants to make sure that the water planning process doesn’t in turn push further development within the region, in particular

development that places greater demands on water resources and perhaps is in conflict with the interests of the citizenship.

#### Amador Water Agency Interests

Jim Abercrombie of AWA mentioned that the “10,000 Acre-Ft” number as listed on the first “interest” bullet for AWA was an outdated number. They are reviewing their water needs and anticipate a larger need. Other bullets may or may not be current, he’d have to review and reply at a later date.

#### Other Interests Not Discussed Above

Some discussion regarding the need to revise SJ County’s Groundwater Export Ordinance (to facilitate an IRCUP project) was discussed. Several parties felt that the ordinance did not require modification. Others viewed that there could be complications that prevented an entity outside of SJ County from accessing banked groundwater. This issue would be one of many further detailed as the IRCUP moved forward into feasibility stage.

#### **San Joaquin County / GBA Interest Statements**

Mel Lytle of SJC was asked to lead a discussion of the interests and needs of the agencies that lie within the San Joaquin County region.

Dr. Lytle started the discussion by noting that he took a somewhat different approach than Rob Alcott. Instead of developing interest and needs statements, Mel instead provided a handout that described four suites of project / program alternatives that would be used to meet the water supply / water resources needs of the agencies that are a party to the Northeastern San Joaquin County Groundwater Banking Authority (GBA).

Each of the four suites of alternatives included individual projects, aimed at maintaining the long-term sustainability of the region’s groundwater basin. Supply sought by these projects was in the 140-160 TAF per year range. Project implementation would address declining groundwater levels and solve the region’s groundwater overdraft issue. In addition, there were projects within particular alternatives aimed at stopping the continuing advance (eastward) of the saline groundwater front.

Mel replied that the 140-160 TAF would address future water resource needs of the County, although he commented that there was an assumption that as ag-lands were converted to residential use, that water demand would be offset vs. would grow, hence the component for future growth may be smaller that were that assumption not made.

A review of the four suites of alternatives would be performed as part of a Programmatic EIR (performed for the GBA – as part of the continuing development of the GBA’s Integrated Conjunctive Use (ICU) Program).

Mel pointed out that regional groundwater banking is a component of several of the suites of alternatives (regional banking is seen as an IRCUP type project by the GBA).

The following information was provided regarding the work ahead:

- The GBA has allotted \$500k to perform the PEIR
- SEWD will prepare a project-level EIR for the Farmington Project as a follow-up activity
- NSJWCD will develop environmental documents (for their recharge project) as a PEIR follow-up activity

Mel concluded by noting that SJC is moving forward with a “Phase 3 Feasibility Study” of their MORE WATER Project. He viewed that the IRCUP could be included as a project for review in that Phase 3 effort.

<p><b>AGENDA TOPIC: Modifying the MORE WATER Project Phase 3 Feas. Study to Consider IRCUP</b></p>
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Mel Lytle provided a further explanation of the work that would be performed as part of the MORE WATER Phase 3 Project Feasibility Study, and how the IRCUP may be incorporated into that work effort.

The following information regarding the current MORE WATER Project efforts were provided by Dr. Lytle:

- Phase 3 Feasibility = a hard engineering analysis on MORE WATER Alternatives;
- Dr. Lytle views that the IRCUP could be included as a review assignment to be performed by the engineering firm charged with the Phase 3 effort;
- SJC sees this as an opportunity for the Forum to jump-start IRCUP feasibility efforts;
- SJC would commit to reviewing regional banking as a component of the MORE WATER Project;
- Dr. Lytle noted that SJC has various time commitments relative to performing the Phase 3 work effort / in keeping with their Mokelumne River water rights application (hence they could not delay Phase 3 for a significant amount of time);
- Mel was not certain if SJC would want to go forward with two separate feasibility efforts (one for MORE WATER, one for IRCUP), since he and others view considerable overlap of efforts / that the projects are compatible;

There was considerable discussion regarding whether the IRCUP effort could be integrated into the MORE WATER Project effort.

EBMUD staff (Lena Tam and Rob Alcott) commented that it was EBMUD’s view that the two projects were separate, and in fact could be competing vs. complementary.

EBMUD was willing to go forward with a Phase 1 IRCUP effort, but not necessarily clear of the merits of combining the IRCUP with MORE WATER.

Others, such as Kevin Kauffman of SEWD and Ed Steffani of NSJWCD, thought that Mel's offer was a good opportunity for the Forum.

Mike Harty commented that there were still some "fuzzy" details regarding the means by which the IRCUP would be combined with / integrated into SJC's MORE WATER Project Phase 3 efforts. For example, what portion of the roughly \$2M in SJC funding would be applied to the IRCUP review?, would the full suite of MORE WATER Alternatives still be reviewed, or would a subset now be considered?, etc.

Jim Abercrombie of AWA mentioned that water rights protest still are in place regarding the MORE WATER Project – and those protests likely would remain until a protest resolution process ensued.

In order to address the Forum's questions / give the "invitation" by SJC some thought and review, the following was decided:

- Mel Lytle will craft a revised Scope of Work (SOW) for the Phase 3 MORE WATER Project Feasibility Study that incorporates the IRCUP project. That revised SOW will be prepared within the next week +/- . The SOW will be shared with UMRWA representatives (Rob Alcott, Jim Abercrombie, Dave Anders, etc.) when it is available.
- UMRWA reps. will review Mel's revised SOW and provided comments. The goal is to provide comments in Jan 2008 such that this matter can be a primary topic of discussion at the Feb. 2008 Forum meeting.

#### **DISCUSSION TOPIC: WATER RIGHTS RELATED IRCUP DISCUSSIONS**

There was a brief discussion regarding whether a sub-committee of the Forum should be convened to address IRCUP-related water rights matters.

Following discussion and debate, it was determined that the current POA discussion would continue to be held outside of the Forum, but that the Forum meetings would be used as a means to provide updates regarding the status.

Parties to the POA discussions have also committed to meeting separately (as follow-up) with Foothill Agencies in an effort to inform and include them, if and when a draft POA agreement can be reached.

IRCUP related water rights discussions will await the Feasibility Study efforts.

John Herrick of South Delta Water Agency (SDWA) cautioned Forum members about the time and effort it may take to negotiate a water right for an IRCUP project, particularly since SWRCB input / decisions are needed. He suggested that the topic of

what water right would be used to facilitate an IRCUP project may need to be a primary / early topic in the feasibility review.

**DISCUSSION TOPIC: MARCH ELECTED OFFICIALS MEETING**

The desire to hold a March Elected Officials meeting was discussed. There was general concern that convening a meeting should be dependent on the ability to report firm IRCUP progress.

While some view that the meeting should be held if there are accomplishments to report. Others viewed that holding the meeting to simply update elected officials is good enough reason for said meeting to take place. For example, IRCUP governance proposals could be shared, WRIME studies discussed, etc.

A decision on whether to hold a March elected officials meeting was postponed until the Feb. meeting of the Forum. Until that time, it was decided to continue to reserve the March 6<sup>th</sup> date / SJ Farm Bureau location (and to continue to plan for a meeting).

**AGENDA TOPIC: NEXT FORUM MEETING**

The next meeting of the Mokelumne River Forum is scheduled to take place on Thursday, February 7, 2008. It will be held from 9:00 am thru 12 noon at the offices of the San Joaquin Farm Bureau in Stockton, California.

**CLOSING**

The January 3, 2008 meeting of the Mokelumne River Forum was adjourned at approximately 12 noon.

**NEXT FORUM MEETING BREAKFAST PROVIDER**

EBMUD agreed to provide breakfast for the next (Feb.) 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.**