

**REPORT FOR THE MEETING OF  
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
FOR MARCH 21, 2007**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, February 21, 2007, beginning at 1:00 p.m., at Agricultural Commissioner's Office, 1868 E. Hazelton Avenue, Stockton, California.

**Roll Call**

Present were Commissioners Gilmore, Nomellini, Taro, Edwards, Alternate Herrick, Secretary Lytle, and Chairman McGurk. Others present are listed on the Attendance Sheet.

**Approval of Minutes for the Meeting of February 21, 2007.**

Motion carried to approve the minutes (Edwards/Madison).

**Public Comment (Non-Agenda Items)**

No public comment.

**SCHEDULED ITEMS**

I. **Discussion Items:**

A. *Update on City of Tracy Regional Groundwater Management Plan*

Mr. Mike Cornelius, Bookman-Edmonston Engineering Consultant, is assisting the City of Tracy in developing a groundwater management plan for the Tracy Subbasin which is intended to improve overall groundwater management and sustainability. Participants in the development also include San Joaquin County Public Works, Bethany Irrigation District, Banta Carbona Irrigation District, and the Tracy Defense Depot. Currently, the plan is in its commenting period and will be followed by an adoption hearing on April 3<sup>rd</sup> by the City of Tracy.

The area covered under the plan includes the southwest portion of San Joaquin County, extends in the West to the San Joaquin County boundary and Diablo range, and is bounded in the North and East by the San Joaquin River. Basin management objectives include managing groundwater levels, managing and protecting groundwater quality, protecting against inelastic land subsidence, and monitoring and assessing the state of the basin.

Mr. Richard Shats, Hydrogeologist for Bookman Edmonston, described the subbasin as having an unconfined aquifer near the ground surface, underlain by a Corcoran clay layer, and a confined aquifer beneath the Corcoran clay layer. For the most part, the subbasin is full and currently contains about 1 million acre-feet of groundwater in storage. Thus, management of the subbasin will focus mostly on water quality. Water quality constituents of concern include nitrates, total dissolved solids, boron, and chloride. When analyzing the water quality of the unconfined aquifer for total dissolved solids, chloride, and boron content, the best quality was found near the foothills. Going away from the foothills, the water quality decreased. With regard to nitrates, the best water quality was found in the eastern part of the plan area.

The most reliable data sets that were used to analyze the water quality constituents are dated 1968. Being that the data was quite old and there are other gaps in water quality data, one of the goals of the plan is to improve groundwater sampling and the water monitoring network.

Recommended actions towards achieving plan goals include identifying recharge areas, developing a water budget, further hydrogeologic investigations, and developing a monitoring program.

*B. Update on Flood Control Technical Advisory Committee Activities*

Mr. Steve Winkler, County Public Works Deputy Director, informed that Reclamation District 17 is nearing the end of its preliminary mapping process.

Mr. Winkler also informed that a regional flood management group that would include San Joaquin County along with other counties to the South of the County may be set up. There have been talks with other counties as an informal group concerning FEMA remapping issues and impacts on individual counties. All the counties are also anticipating Dept of Water Resources' guidelines concerning Prop 84 funding that is relative to regional flood plans.

Mr. Dave Peterson, of the consulting firm of Peterson, Brustad, and Pivetti, Inc, reported that he had just attended a meeting which was held by FEMA to meet with reclamation district and public agency levee owners of the San Joaquin Valley. At the meeting, Mr. Peterson learned that the U.S. Army Corps of Engineers (USACE) will be sending out letters advising that they are going to perform evaluations on all the project levees for maintenance deficiencies and their effects. In May, a second meeting will be held for community officials and PAL (Provisionally Accredited Levee) letters will be distributed. Within the following ninety days (ending in August), signatures from community officials and levee owners will need to be collected on these letters. Thereafter, FEMA will use the letters to develop draft maps. Following in September, flood insurance rate maps should be released.

In this case, Mr. Peterson explained that the County is pursuing accreditation which is the finding by FEMA that a levee is to be accredited on the flood insurance rate map. It is not to be confused with certification which is the signature given by an engineer on papers sent to FEMA to request that FEMA make an accreditation finding on a levee.

Commissioner Dante Nomellini added that USACE's files on levees are approximately dated from 1956 to 1960. USACE's files show original designs on the San Joaquin River which in many cases met up to the 50 year level. USACE's files also do not include San Joaquin Area Flood Control Agency (SJAFCA) certification that USACE may have been involved in.

Commissioner Nomellini further added that members of the technical group have been discussing with a Sacramento group that include the Flood Control Association and other interested parties to try to reach an agreement on a working draft regarding allocation of bond funds. The Tech Committee also hopes that the draft will be circulated more broadly.

*C. Update on State Water Resources Control Board Notice of Petition for Time Extension for Permit 10478 of East Bay Municipal Utility District (EBMUD)*

Dr. Mel Lytle, Water Resources Coordinator, stated that EBMUD's Permit 10478 was originally issued in 1956. This gave EBMUD more than 50 years to perfect the water right to put the water to beneficial use. With the Petition for Time Extension, EBMUD is requesting another 40 years. In response to the petition, San Joaquin County filed a protest with the State Water Resources Control Board. The protest stated that EBMUD demonstrated an inability to put the allocated water to beneficial use and that EBMUD also has indicated that they may need more than the 40 years it requested to put the water to beneficial use. In addition, the County's protest stated that it is not in the public's interest to lock up the water right for another 40 years with the likelihood that EBMUD would use less water in the future because of various water conservation programs. Currently, EBMUD uses about 220 mgd/day with a predicted use of 227 mgd/day in the year 2030. Full appropriation under Permit 10478 is about 325 mgd/day which EBMUD predicted that it would use in the year 2167, based on current usage.

**II. Action Items**

*A. Discussion and Possible Action on State Water Resources Control Board Order Canceling Application 29835 - Mokelumne River Water and Power Authority*

Dr. Lytle stated that Water Right Application 29835 was filed on Oct. 4, 1990 to divert up to 620 cfs off of the Mokelumne River along with sending 434,000 acre-feet to storage through a diversion of 1,000 cfs. The State Water Resources Control Board (SWRCB) took six years to notice the application with other issues or activities that followed and prohibited the County from taking action on the application. Such issues included fully appropriated stream hearings and fish flow hearings. However, since 2001, a number of County activities have ensued and been completed with the goal of perfecting the Water Right.

Currently, activities are again on hold with the SWRCB's recent cancellation of Application of 29835. Dr. Lytle stated that one of the SWRCB's basis for cancelling Application 29835 was the County's lack of due diligence in producing a CEQA document for the MORE WATER Project. Item 8 of the SWRCB's order of cancellation for Application 29835 explains that because a Programmatic EIR for the regional water supply effort will be certified on April 1, 2007 and the preparation of Application 29835 EIR/EIS will be initiated thereafter, the County has not met the conditions of its work plan and has not completed the Application 29835 EIR/EIS in a timely manner.

The failure to submit documentation regarding available water on the Mokelumne River is the other basis for which the SWRCB cancelled the application. In checking the County's records, the County's consultant, Mr. Jim Hanson, did submit water availability studies on the Mokelumne River on a few occasions.

In response to the cancellation order, the County will submit a Petition for Reconsideration within the 30 day deadline. If the petition is accepted by the SWRCB, a hearing will be set.

Dr. Lytle stressed the importance of defending Application 29835 because the MORE WATER Project along with the Delta Diversion Project will bring a significant amount of water supply to San Joaquin County. This additional supply would help to solve the groundwater overdraft and saline intrusion problem. Dr. Lytle further explained that there aren't any other available sources as the Stanislaus River does not have much water left, the Calaveras River is fully appropriated, and the American River carries much difficulty in attempting to acquire water appropriations.

Commissioner Dante Nomellini motioned and Commissioner John Edwards seconded to support the County's effort to continue to perfect Water Right Application 29835 and to request other interested agencies to support the County's efforts. Motion received unanimous approval.

*B. Discussion and Possible Action on Status of American River Water Right Application 29657 – County of San Joaquin*

Dr. Lytle reported that Application 29657 was filed about the same time the Mokelumne River Water Right Applications were filed in the early 1990s. Application 29657 concerns being able to divert water from the American River through the Freeport Regional Water Project.

Given the recent activities of the SWRCB with the cancellation of the North San Joaquin Water Conservation District's water right and, more recently, the County's Water Right 29835, Dr. Lytle forewarned that the cancellation of Application 29657 may come in the bear future.

III. **Communications:**

*A. South Delta Water Agency Letter on State Water Resources Control Proposal for Groundwater Adjudication*

Dr. Lytle commented that the South Delta Water Agency's letter in response to the SWRCB's suggested basin adjudication is a good letter. He also encouraged that other agencies send letters in support of the District's position as well.

- B. City of Lodi Letter on Protest to EBMUD Application 13156, Permit 10478*
- C. Letter on Bureau of Reclamation 2007 Stanislaus River Contractor Allocations*
- D. Congressman Cardoza Letter on 2007 Farm Bill*

*E. Water Education Foundation Announcement on Justice Ronald B. Robie Joins Foundation's Board*

**Public Comment:** None.

**Possible Future Agenda Items:**

- Update on Delta Water Supply Project
- Update on draft Technical Report – Use of Unassigned Freeport Project Pipeline Capacity

**Adjournment:** Meeting adjourned at 2:34 p.m.

**Next Regular Meeting:** April 18, 2007, 1:00 p.m.

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