

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR APRIL 18, 2007**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, April 18, 2007, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Kamper, Gilmore, Taro, Weybret, Edwards, Alternate Herrick, Secretary Lytle, Vice-Chairman Price, and Chairman McGurk. Others present are listed on the Attendance Sheet.

Approval of Minutes for the Meeting of March 21, 2007.

Motion carried to approve the minutes with corrections to the Roll Call. (Herrick/Edwards).

Public Comment (Non-Agenda Items)

Commissioner Dave Kamper announced that Nick DeGroot, who served as alternate on the Commission for the South San Joaquin Irrigation District, passed away recently. Chairman Tom McGurk directed staff and to have a card sent to Mr. DeGroot's family expressing the Commission's condolence.

SCHEDULED ITEMS

I. **Discussion Items:**

A. *Update on North San Joaquin Water Conservation District Water Right 10477 Petition for Reconsideration*

Mr. Ed Steffani, Manager of the North San Joaquin Water Conservation District (District), reported that the District was granted a hearing on June 21st by the State Water Resources Control Board (State Board) to defend its petition. The District is also scheduled for a pre-hearing meeting on May 23rd. Mr. Steffani stated that the key to a favorable State Board action is for the District to impose a groundwater charge that will finance projects that utilize the 20,000 acre-feet under Water Right 10477.

NSJWCD sent out notices to all well owners within the District informing them of a public hearing for the proposed groundwater charge on April 30th. The District believes that adoption of the groundwater charge would convince the State Board that the District is serious about moving forward with water projects that will utilize the 20,000 acre-feet water right. The District also believes that adoption of the groundwater charge will help the County's effort to restore its Water Right Permit on the Mokelumne River. Conversely, if the District is not able to impose the groundwater charge, Mr. Steffani stated that the District will lose its permit and will demonstrate that San Joaquin County residents do not care.

Of the couple hundred of people who responded to the District's notice of the proposed groundwater charge, Mr. Steffani claimed to have only three protests.

Commissioner Fred Weybret reported that the District received support from the County Board of Supervisors and the Lockeford Sanitary District. Commissioner Weybret also expressed his thought that the people in the District recognize the need for the assessment to retain the right on the Mokelumne River.

Vice-Chairman Willard Price questioned if there was any doubt the District had in satisfying the conditions for the Petition. Mr. Steffani responded that providing financing and development plans will suffice.

B. Update on State Water Resources Control Board Order Canceling Application 29835 - Mokelumne River Water and Power Authority

Mrs. Deeanne Gillick, Neumiller & Beardslee Special Water Counsel Special Water Counsel to San Joaquin County, reported that the State Board ordered the cancellation of Water Right 29835 on March 13th. The State Board's basis for the cancellation was for failure to prepare an environmental document based on an estimated timeline given by the County in 2004, and the failure to establish water availability on the Mokelumne River. In response, the County filed a Petition for Reconsideration. In its filing, the County argues that it is addressing and moving forward with the appropriate environmental document for the MORE WATER Project. The reason why the environmental document has taken longer to be developed is because the County is participating with the Northeastern San Joaquin County Groundwater Banking Authority in the development of an Integrated Regional Water Management Plan which further defines how the MORE WATER Project integrates into the overall solution for Eastern San Joaquin County. The County also argues that it had submitted a series of correspondence demonstrating water availability on the Mokelumne River. The County hopes that its petition is granted and that the State Board will schedule a hearing to consider rescinding the cancellation of water right application 29835.

Mrs. Gillick indicated that the most significant item included in the County's filing is the County's model of the Mokelumne River, known as MOCASIM. Draft results from MOCASIM were recently provided to State Board. MOCASIM will also later be shared for review and comment to the public.

Dr. Lytle reported that he along with the County's Special Water Counsel Mia Brown and Tom Shephard, Consultant Jim Hanson, and Mike Floyd of the Dept of Water Resources met with State Board Staff. The meeting concerned the County's follow up letter in response to the State Board's last correspondence letter in June 2005. The County's response letter addressed all of the State Board's questions and outlined the activities that were being undertaken at the time by San Joaquin County interests.

Mrs. Gillick commented that the State Board appeared not to have considered the County's response letter. For the last year and a half, the State Board has not been aware of the County's activities. Mrs. Gillick added that the County's Water Right Application 29835 is significant in that the State Board declared that in 1998, the Mokelumne River is considered fully appropriated except for the County's pending application.

C. Update on Flood Control Technical Advisory Committee Activities

Mr. Tom Flinn, San Joaquin County Public Works Director, reported that there are draft guidelines for spending bond funds under Propositions 1E and 84. The problem with the guidelines is that project levees and non-project levees are two different things with regards to funding eligibility and priority. DWR recently performed a topographic surveys using laser technology on only project levees in the County. These project levees include areas of Reclamation District 17 and the Cities of Lathrop and Manteca. The San Joaquin Area Flood Control Agency, the Port of Stockton, and several Reclamation District have indicated that they have offered to contribute at least \$60,000 towards radar surveys for non-project levees. Non-project levees in the County include levees from the Port of Stockton going north to Eight Mile Road.

The Technical Advisory Committee is hoping to work with more reclamation districts as most non-project levees consist of individual reclamation districts. The Tech Committee had drafted an MOU that prescribes how the County and other interested agencies are to work together. The MOU does not include language concerning any monetary commitment.

In other activities, the Technical Committee is investigating how to perform public outreach, a component of the White Paper document developed to specify the County's position on how Props 1E and 84 should be spent. Commissioner John Edwards indicated that ACWA runs tours of the Delta and suggested that this may be a way to implement outreach. Commissioner Edwards also suggested that tours for local government officials be provided and possibly extended to the public on a cost basis.

In other news, Mr. Flinn stated that the Board of Supervisors awareness of Delta issues have heightened as Supervisors Gutierrez, Vogel, and Ruhstaller have completed their tour of the Delta. Supervisors Mow and Ornellas are scheduled to tour the Delta in May.

D. Discussion on Development of the County's Position Regarding Delta Sustainability and the Peripheral Canal

Dr. Mel Lytle, Water Resources Coordinator, indicated that many activities concerning the Sacramento-San Joaquin Delta are taking place such as the establishment of the Governor's Blue Ribbon Committee, a book published by a UC Davis professor, the visitation of the Dutch regarding a proposed set of gates to control inland flows, and the reinvigoration of proponents for the Peripheral Canal.

Two-thirds of the Delta is in San Joaquin County; however, the County does not have a position on the Delta's sustainability. For the coming months, Dr. Lytle will invite various agencies to give presentations to the Commission. These presentations will concern effects on the Delta in various areas such as transportation, agriculture, water supply systems, and recreation. Meeting with other agencies and understanding their positions on Delta issues is necessary in order to build the County's position.

Commissioner Herrick noted that one such activity that has surfaced is Envisioning the Delta which tries to justify radical changes to the Delta. The document misstates the Delta's salinity history which claims the Delta was saltier in the past. This claim is used to justify pumping more water out of the Delta. The South Delta Water Agency reacted by developing a document revealing misconceptions put forth by Envisioning the Delta.

II. Communications:

A. Bureau of Reclamation News Release – Record of Decision Signed for San Luis Drainage Feature Re-evaluation EIS

Commissioner Herrick stated that the San Luis Drainage is part of a broader project that is pursuant to a federal statute that was put into effect in December 2005. The statute ordered the Bureau of Reclamation to develop plans to meet water obligations on the San Joaquin River and to decrease dependence on New Melones to dilute the San Joaquin Delta. The Bureau was also ordered to investigate a recirculation project that generally involves water exported from the Tracy pumps to be diverted to the Delta-Mendota Canal and then to the San Joaquin River. Although the efforts are tied under one broad project, the three efforts are being developed independently of each other.

B. Bureau of Reclamation News Release – Delta Mendota Canal Recirculation Project Scoping Meeting Schedule

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 2:07 p.m.

Next Regular Meeting: **May 16, 2007, 1:00 p.m.**

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