

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 88-46

AUTHORIZING THE CHIEF, DIVISION OF WATER RIGHTS, TO ACCEPT  
AN OFFER BY THE MODESTO AND TURLOCK IRRIGATION DISTRICTS  
TO MAKE VOLUNTARY FISHERY FLOW RELEASES BELOW LA GRANGE DAM

WHEREAS:

1. The California Sportfishing Protection Alliance filed a complaint dated June 13, 1984 with the Board regarding fishery flow release requirements below La Grange Dam on the Tuolumne River.
2. The Modesto and Turlock Irrigation Districts currently hold the following rights under the Board's jurisdiction, none of which contain any fishery flow release requirements:

<u>Application Number</u>	<u>License Number</u>
1232	5420
1233	5417
1532	5421
3139	2580
3648	2424
6711	2425
9996	5418
9997	5419
14126	11057
14127	11058

3. The Modesto and Turlock Irrigation Districts have agreed to conduct comprehensive studies in conjunction with the Department of Fish and Game and the U. S. Fish and Wildlife Service to determine flow in the Tuolumne River needed for fishery resources. Those studies will not be completed for a number of years. Furthermore, they do not address summer needs for resident fish.
4. No technical information currently exists that defines the appropriate instream flow needed to protect fishery resources.
5. The Modesto and Turlock Irrigation Districts have made an offer via a letter dated March 18, 1988 to the staff of the Division of Water Rights to provide, on a voluntary basis, interim flows below La Grange Dam over and above those required by the Districts' Federal Energy Regulatory Commission license for the enhancement and maintenance of fish during the period June 1 to September 30 of each year. The Districts have also offered to conduct additional studies to specifically address summer needs.
6. The Board's acceptance of the voluntary interim flows proposed by the Modesto and Turlock Irrigation Districts would provide additional water in the river as early as June 1988.


7. A Board hearing to determine fishery flow requirements could require several years and, absent results of the ongoing technical studies, may not be productive.
8. The proposal by the Districts recognizes that the Board can terminate the agreement and undertake a different course of action at any time.

THEREFORE, BE IT RESOLVED:

1. The Chief of the Division of Water Rights is authorized to accept the voluntary offer made by the Modesto and Turlock Irrigation Districts.
2. The Chief of the Division of Water Rights is directed to dismiss without prejudice the complaint filed by the California Sportfishing Protection Alliance against the Modesto and Turlock Irrigation Districts.

#### CERTIFICATION

The undersigned, Administrative Assistant to the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 21, 1988.

  
Maureen Marche  
Administrative Assistant to the Board