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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 16597, 16598,
16599 and 16600, issued on Applications
14858, 14859, 19303 and 19304
U. S. WATER AND POWER RESOURCES SERVICE,
Permittee

Order: WR 80-20
Source: Stanislaus River
Counties: Calaveras and
Tuolumne

ORDER CONDITIONALLY ACCEPTING AND APPROVING IN PART
SUBMITTALS BY U. S. WATER AND POWER RESOURCES SERVICE
IN ACCORDANCE WITH CONDITION 3 OF DECISION 1422

BY THE BOARD:

In 1973 the State Water Resources Control Board adopted Decision 1422 which granted water right permits to the U. S. Water and Power Resources Service (Service) for storage of water in New Melones Reservoir on the Stanislaus River. At the time Decision 1422 was adopted, the Board found that the Service had no definite plan nor firm commitment for the consumptive use of the New Melones Reservoir yield. The evidence showed that there was no immediate need for the water. Also, the uncertainty as to location of future use of the yield made it impossible to assess the impacts of full project operation on water quality. Therefore, to maintain the valuable whitewater rapids on the upper Stanislaus River as long as possible, the Board restricted the quantity of water to be stored in New Melones Reservoir to that necessary to provide authorized fishery and water quality control benefits, to satisfy prior vested water rights and to provide flood control. The permits also allow storage of water for power generation, but for the present limit the quantity of water impounded for power generation to that needed for the above purposes.

Condition 3^{1/} of Decision 1422 requires the permittee to file a reservoir operation study showing the water level necessary to provide the permitted yield for preservation of fish and wildlife, for maintenance of specified water quality conditions, and for satisfaction of prior rights. Condition 3 further requires that the study include details of the permittee's proposed reservoir clearing plan. Finally, Condition 3 requires filing a reservoir operation schedule, which is made subject to approval of the Board. Condition 3 of Decision 1422 is set forth below:

3. Before any water is impounded in New Melones Reservoir, permittee shall file with the Board a reservoir operation study showing the water level elevations required to provide the yield specified in paragraph 2. The study shall include details of the permittee's proposed reservoir clearing plan to show the manner in which clearing will progress as additional storage is authorized. A reservoir operation schedule shall be submitted by the permittee which shall be subject to approval of the Board. The study shall be updated at least once every five years until further order of the Board.

A staff report was prepared in October 1979^{2/} to pull together all relevant information dealing with the prior operation submittals of the Service and to present staff recommendations thereon. The staff report also includes a detailed description of proceedings to that time. The prior submittals of the Service along with other important documents were contained in an appendix to the staff report. The staff report and appendix were provided to interested parties. A hearing on the Service reservoir operation submittals and the staff report was held on October 19, 1979.

^{1/} The conditions relating to water rights for the project are contained in the four permits which are the subject of this order. Those conditions are as set forth in Decision 1422. For ease of reference, this order will refer to the conditions as numbered in the decision.

^{2/} Staff Report, New Melones Reservoir Operation Submittals, October 1979, Division of Water Rights, State Water Resources Control Board.

On October 31, 1979 the Secretary of the Interior (Secretary) announced that New Melones Reservoir would be operated in 1980 so that the water surface would not exceed an elevation of 808 feet (300,000 acre-feet of storage) in order to allow completion of cultural and historical mitigation as long as river flows below Goodwin Dam would not exceed 5,000 cubic feet per second. At its November 15, 1979 meeting, the Board found the operation as proposed by the Secretary was consistent with the intent of Decision 1422, and deferred consideration of the operation submittals.

By letters of November 21 and December 5, 1979 the Board confirmed its November 15 action. The Service was requested to use the additional time available to address three issues about which more information was needed:

- o Operation of Tulloch Reservoir
- o The Vernalis flow/quality relationship
- o Water temperature with respect to fishery needs

On June 6, 1980, the Secretary directed that water be impounded to the level of the old Parrotts Ferry Bridge (elevation 818) to help protect the region against possible electric power shortages by late summer. In a letter from the Department of the Interior dated June 26, 1980, the Board was informed that the Secretary had decided that current federal law requires him to capture additional runoff above elevation 818. A forecast of water supply and requirements for July-December 1980 was transmitted with the letter. On June 26, 1980 the Ninth Circuit Court of Appeals ordered that the reservoir storage level not be increased above that then existing (elevation 820, storage of about 342,000 acre-feet) except as necessary to

3/ Environmental Defense Fund, et al. v. Cecil Andrus, et al., No. 80-4372, United States Court of Appeals for the Ninth Circuit.

prevent downstream damage.^{3/} On July 31, 1980 the Ninth Circuit vacated that order.

By letter of July 18, 1980, the Acting Regional Director for the Service suggested that the Board utilize the July 3, 1979 operation study and the June 26, 1980 operations schedule in its future considerations.

By letter of August 7, 1980 the Acting Regional Director advised the Board that cultural resources mitigation had been completed to elevation 860. Further, that all field work might be complete by April 1, 1981. He confirmed the Service intent to hold the reservoir below the level needed to complete the mitigation, if possible. He stated that if the mitigation were completed by April 1, the reservoir would then be operated as authorized by Congress and the level could go as high as elevation 925 by June 1981.

On August 21, 1980 the Board published a "Notice of Request to Supplement New Melones Hearing Record". Initial submittals, due on September 12, were received from Friends of the River, Environmental Defense Fund, Floyd E. Balsley, Tri-Dam Project and Stanislaus River Flood Control Association. Responsive material, due on September 26, was received from Friends of the River. A joint memorandum from Huey D. Johnson, Secretary for Resources; E. C. Fullerton, Director, Department of Fish and Game; Ronald B. Robie, Director, Department of Water Resources; and Peter Dangermond, Director, Department of Parks and Recreation was received on September 26.

No submittal was received from the Service. The Board's action in this matter is based on the prior submittals of the Service, material submitted by other parties, court proceedings which took place during the summer of 1980, and other material published by the Service, which will be identified later.

Reservoir Operation Study

1. The reservoir operation study identified the storage needed to satisfy Decision 1422 conditions for prior rights, water quality and the downstream fishery. Several alternative interpretations affecting the amount of storage for each of the three authorized uses have been advanced by various parties. Some of these alternatives vary greatly from the assumptions used in the study of the Service.

2. The operation study submitted by the Service on July 3, 1979 concludes that 597,000 acre-feet of storage would be needed to satisfy the authorized beneficial uses of Decision 1422. This amount corresponds to a reservoir elevation of 877 feet and would flood the lower two miles of river above Parrotts Ferry.^{4/}

3. The Service operation study proposed storage of 200,000 acre-feet in New Melones Reservoir to satisfy prior vested water rights. Decision 1422 subjected the permits to, among other agreements, an "Agreement and Stipulation" dated October 24, 1972, executed by the permittee, Oakdale Irrigation District and South San Joaquin Irrigation District (Districts). The record shows that the plan of operation for the New Melones project contemplates coordinated operation of New Melones Reservoir and the Districts' pre-existing Tulloch Reservoir. (See, for example, the Agreement and Stipulation of October 24, 1972, page 2; Article 29 of the Districts' Federal Power Commission License; Reporter's Transcript (RT), pages 177, 178, 188-190). This coordinated operation is usually described as operation of Tulloch Reservoir as an afterbay, for power generation purposes at New Melones Reservoir.

^{4/} The Board in Decision 1422 (page 19) estimated that even with limitations on storage and with the flood control space empty about 2½ miles of the 9-mile whitewater reach would be inundated.

4. It is evident, based on the whole record in this matter that the Districts' storage rights identified in the Agreement and Stipulation were substantially predicated upon the coordinated operation described above. The Board also notes that the reason for limiting storage in the new reservoir was the failure of the permittee to show how and where the portion of the project yield intended for consumptive purposes would be used. Water stored under the terms of the Agreement and Stipulation does not suffer from this infirmity. It will be used, in the same manner and locations as was the supply from Tulloch Reservoir and "Old Melones" Reservoir under the former operation, to firm up the yield of rights presently held by the Districts and partially to replace groundwater use. The permittee, as well as other water users, derives a benefit from this arrangement in that a degree of certainty is achieved. The Districts' total annual diversion from the Stanislaus River will now be limited to 654,000 acre-feet. Although the maximum annual diversion to date has been less (636,000 acre-feet), no annual limit was imposed by the combination of rights held by the Districts prior to the Agreement and Stipulation, other than that of physical availability and the constitutional requirement that use be reasonable and not wasteful.

5. The "Forecast of Water Supply and Requirements" submitted with the June 26, 1980 letter from the Department of Interior shows that during the month of September 1980 20,000 acre-feet of storage in Tulloch Reservoir was to be used by the Tri-Dam Project for consumptive purposes. Stored water was used in that manner. A letter of August 13, 1980 from the Acting Regional Director of the Service to the Director, Department of Fish and Game^{5/} indicates that Tulloch Reservoir was to be drawn down to allow

^{5/} Exhibit I, Friends of the River submittal of September 12, 1980.

construction work related to New Melones Dam. The Board notes that in future years a similar late season drawdown of Tulloch Reservoir could occur as part of the flood control operation.

6. a. Satisfaction of prior rights in accordance with the Agreement and Stipulation requires that the Service store up to 200,000 acre-feet of water per year for subsequent release in that same year for the Districts' downstream withdrawal and use. However, the record of this proceeding--including especially the license issued to the Districts by the Federal Power Commission (FPC) for Tulloch Reservoir--shows clearly that operations under the stipulation were intended, among other things, to compensate for the loss of the consumptive use function of Tulloch Reservoir. It was (and continues to be) contemplated that the parties will enter into an agreement governing coordinated operation of New Melones Reservoir and Tulloch Reservoir, whereby the latter would no longer be available to the Districts for consumptive use storage. (See paragraph 3, above.) In fact, Districts' FPC license requires such agreement^{6/}. Moreover, that license requires the parties to reach such agreement prior to commencement of construction of the New Melones Dam.

b. We find, however, that the parties have not concluded such agreement nor has the Federal Energy Regulatory Commission (FERC, successor in this function to the FPC) exercised its retained authority to resolve the issue. Our best efforts to determine precisely the manner in which Tulloch Reservoir is to be operated during this hiatus have failed. We were informed by counsel for the Districts at a hearing that the Districts have

^{6/} The license includes provision whereunder the FPC retains authority to determine terms and conditions of coordinated operation should the United States and the Districts fail to conclude a satisfactory agreement.

"control of the valves" at Tulloch. (See Reporter's Transcript, p.180; see also p. 198) On the other hand, there appears to be dispute between the Districts and the United States on the question of Tulloch's flood control operations, if any. (Reporter's Transcript, p. 199) In our "Notice of Request to Supplement New Melones Hearing Record", dated August 21, 1980, the Service and the Districts were specifically requested to file information, jointly or severally, describing how operation of Tulloch Reservoir will be coordinated with operation of New Melones Reservoir. The record of our hearing of October 19, 1979 was not clear on this point. The Service did not respond to this request. The Districts submitted a letter dated September 9, 1980 asserting that the Districts will have legal operational authority and responsibility over Tulloch Reservoir "for all years", and that Tulloch Reservoir is to be operated in accordance with the 1972 Agreement and Stipulation and further agreements yet to be negotiated. These representations, however, are of no help to us in determining how Tulloch is to be operated in the interim. First, the Agreement and Stipulation provides no criteria for coordinated operation of New Melones and Tulloch Reservoirs. On the contrary, that document, after reciting that the Districts have California water right entitlements for Tulloch, expressly provides:

"This agreement shall not be deemed to limit or diminish the Districts' rights, entitlements or yields [under Districts' Tulloch water right entitlements]."

Second, the Districts' representation that Tulloch "will be" operated in accordance with yet-to-be negotiated agreements does not inform the Board how Tulloch will be operated pending execution of such agreements; obviously, no rights or duties can arise from agreements which have not yet been negotiated.

c. We find nothing in the record, or in any legal materials available to us, from which we may conclude that permittee has any right to dictate Tulloch operations at this time, that is, prior to implementation of the relevant provisions of the Districts' FPC license.^{7/} Based on this state of the record, we conclude that a necessary precondition to full implementation of the Agreement and Stipulation has not yet occurred. Board approval of full implementation of the Agreement and Stipulation at this time--while the Districts' water right entitlements continue in full effect--would contravene the policy of Decision 1422 that storage in New Melones Reservoir be held to that amount necessary to satisfy the permitted uses, including prior rights, until permittee is committed to greater storage amounts. Until the contemplated agreements between the Service and the Districts are reached, or until the Federal Energy Regulatory Commission (successor to the FPC) prescribes the terms and conditions upon which the United States has the right to use Tulloch Reservoir for afterbay regulation, the Districts' prior rights storage should be limited to that which would have been available to the Districts in "Old Melones" Reservoir, that is, 107,000 acre-feet plus licensed rights for restorage in "Old Melones" Reservoir insofar as such rights could have been exercised within the capability of "Old Melones" Reservoir. At the time, and to the extent that such agreements or FERC determinations result in the Districts' loss of consumptive use storage in Tulloch Reservoir, the agreements or FERC determinations should be filed with the Board. Subsequent to such filing, equivalent storage should be authorized in New Melones Reservoir. The higher reservoir level that would result from full implementation of the Agreement and Stipulation should be

^{7/} In fact (as noted in paragraph 5, above) permittee's June 26 operations schedule showed consumptive use of 20,000 acre-feet of Tulloch storage by the Tri-Dam Project and water was used in that manner.

authorized immediately upon entry by the parties into the contemplated agreements, or upon determination of terms and conditions by the FERC. Until such time as directives duly issued by the federal regulatory agency having jurisdiction over coordinated operations are carried out, operation of Tulloch Reservoir by the Districts in accordance with California water right entitlements and orders is consistent with federal laws.

d. Based on the foregoing, we conclude that limiting prior rights storage in New Melones Reservoir to 107,000 acre-feet plus restorage as described in subparagraph c above will not, as a matter of law, deprive the Districts of any water under their prior rights. This is so because the Districts' California water right entitlements for Tulloch Reservoir have not yet been impaired by authorized federal action. We are aware that this New Melones storage limitation may reduce power production at New Melones. However, today's order is interpretive of Decision 1422; that Decision explicitly provides that use of stored water for power production is to be a function of the conservation storage authorized for the other beneficial uses. Nevertheless, the Board wishes to resolve questions relating to power production at New Melones and declares its intention to do so in paragraph 14, below.

7. The Department of Fish and Game (Fish and Game) at the October 1979 hearing confirmed that it wishes to have available sufficient water to provide releases of the full 98,000 acre-feet per year allowed by Condition 2 of Decision 1422. The schedule submitted by Fish and Game on April 16, 1979 calls for releases as follows:

<u>Period</u>	<u>Flow Cubic Feet Per Second</u>
October 1 through December 15	100
December 16 through March 31	75
April 1 through May 15	715
May 16 through September 30	10

The effect of this schedule would be to require about 26,000 acre-feet more storage in New Melones Reservoir than shown in operation submittals of the Service^{8/} if the amount contemplated in the Agreement and Stipulation is stored for prior rights.

8. Fish and Game, by memorandum of October 12, 1979 and during the October 1979 hearing, confirmed that it desires to test low (dry and critical year) releases proposed by Friends of the River. Condition 2 of Decision 1422 clearly allows Fish and Game to make such tests. Condition 6 of the Decision in fact anticipates that studies necessary to define fishery needs more accurately will be conducted. Such testing as is now proposed by Fish and Game is appropriate. Any revisions to the release schedule or the annual quantity to be provided from storage should be submitted to the Board for its approval prior to implementation.

9. The Board has been furnished copies of at least some correspondence between Fish and Game and the Service on the question of temperature needs of the fishery. No specific further information has been received indicating that Fish and Game is willing to accept less than 98,000 acre-feet per year, or that the April 16, 1979 schedule has been revised. In the September 26, 1980 joint memorandum Fish and Game recommends that a 200,000-300,000 acre-foot reservoir be maintained until it is proven that such operation is not the best for salmon. However, that memorandum also recommends that up to 98,000 acre-feet per year be provided for fish. The Board notes that a fishery release of 98,000 acre-feet per year cannot be provided during dry years from a reservoir as small as that recommended by Fish and Game.

^{8/} Alternate operation studies submitted July 11, 1979 were based upon the Fish and Game release schedule.

Fish and Game also recommends that the temperature problem resulting from a low reservoir be solved by a Board-ordered breaching of "Old Melones" Dam. Such action is outside the scope of this proceeding, which is limited to consideration of the Condition 3 submittals.

10. Several factors impact the amount of water needed from New Melones Reservoir to provide downstream water quality benefits. Among these factors are the recent sealing of the Tuolumne River gas wells, the alteration of hydrology resulting from construction of major reservoirs in the past decade, and the increase in salinity of the San Joaquin River due to upstream agricultural activities. The Board notes that the permittee is developing an updated flow/quality relationship, which apparently has not been finalized. A relationship different from the 1965 material is contained in the "Report on the Effects of the CVP Upon the Southern Delta Water Supply, Sacramento-San Joaquin River Delta, California", June 1980, prepared jointly by the Service and the South Delta Water Agency. Review of that material indicates a downward trend in Vernalis water quality from the 1930s to the 1960s. In its September 1980 Final EIS on the Basin Alternatives, Water Allocations and Reservoir Operations for New Melones Reservoir, the Service responded to Board staff reiteration of the need for a review of the water quality relationship. The Service stated:

"The matter of developing and utilizing updated flow-quality relationships for the San Joaquin River at Vernalis is part of ongoing studies in the Delta and San Joaquin Valley. The relationship used in the New Melones studies that are part of this Environmental Statement is the best interpretation of the historical data.

"We recognize that the current situation may be different than that of the past, but recent data is ambiguous and difficult to rationally interpret. Our studies will be modified when a revised relationship can be developed. Until that time, which we expect to be in the next year, we will use the present relationship."

A witness for the permittee in a federal court proceeding testified that an updated relationship may reduce the storage need by about 25,000 acre-feet.^{9/} The witness was apparently citing the effect the new relationship would have on the 597,000 acre-foot reservoir put forth by the Service as complying with Decision 1422. There would likely be some difference (other than 25,000 acre-feet) if the revised flow/quality relationship were combined in a new study with the other assumptions used in the study which resulted in 623,000 acre-feet of storage.^{10/} The result is that while the storage needed for water quality control has been identified with a degree of accuracy that would be sufficient for a large reservoir in a typical case, in this case the Board continues in its intent to balance carefully the need to provide sufficient storage for identified requirements with the need to avoid premature inundation of the upstream area. The Service should promptly finalize a Vernalis flow/quality relationship which represents present conditions as accurately as possible. The updated flow/quality relationship should be combined with the fisheries and prior rights objectives confirmed by other portions of this order in a new operations study and submitted to the Board.

11. Operation of New Melones Reservoir in accordance with the above findings will allow a maximum reservoir water level elevation,

9/ Environmental Defense Fund, et al. v. Cecil Andrus, et al., Civ. No. 80-475, Federal District Court, Eastern District of California.

10/ The total interim storage amount is a combination of annual and carry-over storage and is established by the interaction of the objectives for the three authorized functions. When the criteria for governing one of the functions is changed, the net effect or change on a particular study cannot be assumed to apply to other studies. Failure of the permittee to respond fully to Board request in this instance requires that approximations be used.

excluding flood control storage, of 844 feet to meet the conditions of Decision 1422 until the Agreement and Stipulation is fully implemented. This reservoir water level corresponds to storage in New Melones Reservoir of 438,000 acre-feet. Upon full implementation of the Agreement and Stipulation, these findings would allow a water level elevation of 882 feet, corresponding to storage in New Melones Reservoir of 623,000 acre-feet.

Reservoir Operation Schedule

12. The schedule for operation of New Melones Reservoir for the remainder of calendar year 1980, represented by the forecast of water supply and requirements submitted with the Department of the Interior letter of June 26, 1980 shows releases for downstream fishery in accordance with those proposed by Fish and Game on April 16, 1979. The constraints of the order of the Ninth Circuit Court of Appeals issued on June 6, 1980 are not reflected therein because the court required higher releases for a time. The schedule will expire at the end of 1980 and no further information has been submitted.

Reservoir Clearing Plan

13. The interim reservoir clearing plan which the Service submitted by letter dated May 3, 1979 indicates that the Corps of Engineers did not then plan any clearing of the reservoir area. However, that plan may no longer be appropriate in view of its condition that the interim period be of long enough duration to justify the investment. We understand that the Corps of Engineers now has a final clearing plan which it intends to implement soon. That clearing plan should be submitted prior to its implementation.

Other Matters

14. The Board recognizes that conditions have changed since Decision 1422 was adopted in 1973. Specifically, we are aware of the national concern--heightened by very recent events abroad--over dependence

on imported energy sources. Nowhere is this concern more valid than in California. These changed conditions may warrant a reexamination of the question whether, and if so to what extent, storage of water in New Melones Reservoir should be allowed expressly for hydroelectric power generation. We have encouraged permittee to petition us to reexamine this issue. Permittee has not done so. While we have authority to address this issue on our own motion, we are not convinced that such a proceeding would be useful in the absence of a petition or other assurance from permittee that it--or an appropriate agency designated by it--would voluntarily participate in such a proceeding. Power and energy benefits produced at New Melones accrue to permittee; therefore, permittee's interest in and necessary contribution to such a proceeding seems self-evident. Based upon these considerations, the Board will hold further hearing on the question of storage for hydroelectric energy generation as soon as possible after receiving from permittee an appropriate petition or other assurance that it voluntarily agrees to participate fully in such a proceeding. Permittee's participation can be without prejudice to its legal position in on-going litigation. If permittee fails to file such petition or to provide such other assurance, the Board will, prior to January 15, 1981, decide whether to compel participation by permittee or an appropriate federal agency in such a proceeding, or whether adequate information can be obtained from other sources on this issue to the end that reopening on our own motion would be productive.

15. We have previously found that there continues to be evidence of uncertainty as to the precise amounts of water needed for water quality and fishery purposes. (See paragraphs 7 through 10, above.) Accordingly, the proceeding contemplated by paragraph 14, next above, may also consider revisions to the authorized storage amount if it is apparent that there is newly available information on the question of water needed for these authorized uses.

16. Considerable serious concern has been expressed over the effect of operation in accordance with the study and schedule on prevention of downstream damage. Releases to prevent downstream damage are part of flood control operation under the preempted federal authority exercised through schedules prepared by the Corps of Engineers. The operation studies provided by the Service do not fully conform with the Corps position on maximum release from New Melones Reservoir when the storage in that reservoir is less than 1,950,000 acre-feet (see item 3 in Appendix to Staff Report). The Board's action on the operation submittals is not an approval of that particular release schedule. However, staff analysis verified by Corps expert testimony (RT, pages 114, 115) establishes that a change in the Service operation studies to conform to the Corps release schedule would not impact the storage levels required to satisfy vested rights, fish and wildlife releases and releases for water quality purposes.

17. Nothing in this order should be construed as interpreting Decision 1422 to prohibit the temporary impoundment of water for the purpose of regulating flow to prevent flood damage, under release criteria developed by the United States (see Decision 1422, page 17 footnote, and page 19) nor as limiting variations approved by the Board in fishery release schedules pursuant to studies to define more closely fishery needs.

18. To meet responsibilities under provision of federal laws relating to mitigation of adverse environmental impacts, the initial operation of New Melones Reservoir could result in less storage than permitted under the approved operation schedule. (As examples, federal laws include the National Historic Preservation Act and the Endangered Species Act.) So long as the storage levels do not exceed levels permitted in this order, a federal decision to maintain lower levels for cultural or endangered species protection and/or mitigation is consistent with this order.

ORDER

1. A maximum storage amount of 438,000 acre-feet, corresponding to an elevation of 844 feet mean sea level, is accepted for satisfaction of prior rights, preservation and enhancement of fish and wildlife, and water quality until one of the alternative preconditions to full implementation of the Agreement and Stipulation occurs and evidence thereof is filed with the Board. At that time a storage amount of 623,000 acre-feet (corresponding to an elevation of 882 feet mean sea level), or such other level as is supported by further studies, is authorized.

2. Any contemplated revision to the clearing plan submitted on May 3, 1979 shall be submitted to the Board at least 30 days before work proceeds.

3. The reservoir operation schedule (forecast of water supply and requirements) submitted by the Service on June 26, 1980 provides an adequate operations schedule for the remainder of 1980. The permittee is directed to submit an updated schedule showing 1981 operations within 30 days.


4. Revisions to the fishery release schedule shall be submitted to the Board for approval prior to implementation.

5. The permittee shall promptly update the Vernalis flow/quality relationship and submit the updated relationship and a conforming operations study for Board acceptance.

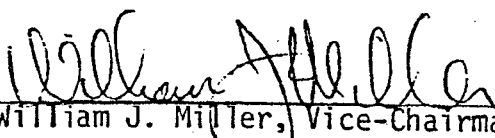
6. Until further order of the Board, water appropriated under permits issued pursuant to Applications 14858 and 19304 shall be used only for preservation and enhancement of fish and wildlife, recreation, water quality control and irrigation within the service areas of Oakdale and South San Joaquin Irrigation District.

7. Until the prior rights Agreement and Stipulation is implemented, the permittee shall operate New Melones Reservoir so as to assure that the prior rights at "Old Melones" Reservoir are not infringed upon.

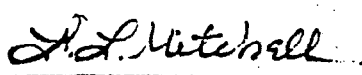
Dated: NOVEMBER 20, 1980




Carla M. Bard, Chairwoman



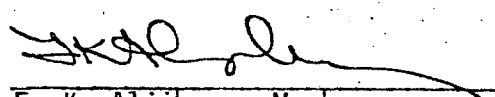
William J. Miller, Vice-Chairman



L. L. Mitchell, Member



Jill B. Dunlap, Member



F. K. Aljibury, Member