

State of California

Memorandum

To : Mr. Mark Del Piero
Board Member
State Water Resources Control Board
901 P Street
Sacramento, California 95814

Date : July 7, 1992

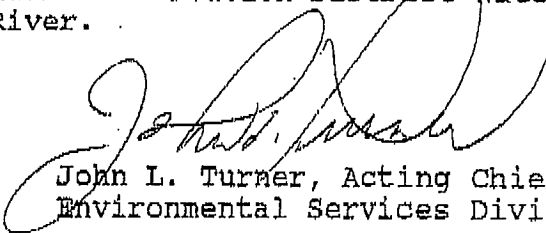
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JUL 09 1992

From : Department of Fish and Game

Subject : North San Joaquin Water Consultation District Hearing

Attached is a copy of the signed agreement covering issues regarding North San Joaquin Water Conservation District Water Application on the Mokelumne River.



John L. Turner, Acting Chief
Environmental Services Division

cc: Mr. Bob Baiocchi
California Sportfishing
Protection Alliance
Quincy, California 95971

Mr Jon Myers
East Bay Municipal Utilities District
Oakland, California 94607

Mr. Bud Adams NSJ WCD
North San Joaquin Water
Conservation District
Lodi, California

Jerry Mensch
Department of Fish and Game
Yountville, California

STIPULATED AGREEMENT
FOR PERMIT 10477 (APPLICATION 12842)
OF NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

The North San Joaquin Water Conservation District (District), the California Department of Fish and Game, the California Sportfishing Protection Alliance and the East Bay Municipal Utility District stipulate to granting the District a time extension until December 31, 2000 for Permit 10477 (Application 12842) of North San Joaquin Water Conservation District provided the following conditions are included in the permit.

1. The North San Joaquin Water Conservation District shall limit direct diversion and storage under Permit 10477 to a combined total of 20,000 acre-feet per annum. The maximum rate of direct diversion at the two existing pumping facilities shall be limited to a combined total of 80 cubic feet per second and no more than 40 cubic feet per second at any one pumping facility.

If, during the scheduled Mokelumne River hearing, it is determined that water is available to serve Permit 10477, the time extension shall remain in effect. If it is determined that there is no further water available to serve this permit, then the face value of the permit may be adjusted after hearing.

This agreement shall not be a limitation on any statutory or administrative remedies available to the parties to this agreement including any State Water Resources Control Board consideration of flows necessary to maintain aquatic life in any further proceeding on Permit 10477.

2. No additional pumping capacity or storage facilities shall be constructed under Permit 10477.
3. Permit term 63 (modified) shall be added to the permit as follows:

"No water shall be diverted under this permit during the 1992 or subsequent water years, until the permittee has constructed screening facilities adequate to protect fishlife and/or has entered into an operating agreement with the Department of Fish and Game that will protect fishlife.

If fish screens are constructed to meet the requirements of this permit condition, the Department of Fish and Game shall review the construction plans and determine whether the facilities are adequate to protect fishlife. The Department of Fish and Game shall notify the Division of Water Rights of its approval of the plans in writing. Construction, operation, and maintenance costs of any required facilities are the responsibility of the permittee."

In the event the permittee and the Department of Fish and Game cannot reach agreement with respect to this condition, either party may petition the State Water Resources Control Board to hold a hearing to determine the appropriate conditions.

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4. A new permit term shall be added to Permit 10477 as follows:

"The North San Joaquin Water Conservation District shall allow any water bypassed or released from Camanche Reservoir by the East Bay Municipal Utility District under permitted Application 13156 for the protection and/or enhancement of fish and wildlife to continue downstream. Nothing in this permit shall be construed as authorizing the North San Joaquin Water Conservation District to appropriate said flows."

5. Permit condition 10 shall be modified as follows:

"No diversion shall be made under this permit until an agreement has been reached between the permittee and the State Department of Fish and Game with respect to flows to be bypassed for aquatic life; or failing to reach such agreement, until a further order is entered by the State Water Resources Control Board or its successor with respect to said flows."

Signed: [Signature]
North San Joaquin Water
Conservation District

6/30/92
Date

[Signature]
California Department of
Fish and Game

7/1/92
Date

Bob Baiocchi
California Sportfishing
Protection Alliance

June 30, 1992
Date

[Signature]
East Bay Municipal
Utility District

June 30, 1992
Date