State of California

Memorandum

NSJ 21

To : Application 12842 (Permit 10477)

Date : AUGUST 16 1991

Katherine Mrowka

Katherine Mrowka
Associate WRC Engineer
Hearing Unit

From : **DIVISION OF WATER RIGHTS**
STATE WATER RESOURCES CONTROL BOARD

Subject: TIME EXTENSION PETITION FOR PERMIT 10477 (APPLICATION 12842) OF NORTH SAN JOAQUIN WATER DISTRICT--MOKELUMNE RIVER IN SAN JOAQUIN COUNTY

On January 3, 1991, the North San Joaquin Water District (District) filed a Petition for Extension of Time (petition) to complete construction and make full beneficial use of water under Permit 10477. Two protests to the petition were received by the Division of Water Rights (Division) from the California Sportfishing Protection Alliance (CSPA) and the California Department of Fish and Game (DFG) based on environmental and public trust issues. Division staff has reviewed the protests, State Water Resources Control Board (State Board) Decision 858 which granted Permit 10477 and the application file and recommends that the petition and maintenance of this right be reviewed during a State Board hearing. The basis for this recommendation and general background information pertaining to this water right is provided below.

In Decision 858, the State Board found that there was insufficient water available in the Mokelumne River to approve all of the applications before it and recommended that the municipal and industrial use application of the East Bay Municipal Utilities District (EBMUD) receive a permit for their proposed use of water. However, since EBMUD would require some time to develop Comanche and Pardee Reservoirs and put the water to full beneficial use, the District could utilize water under an interim permit issued pursuant to Water Code Section 1462. Once EBMUD needed the water, however, the District would be required to forego its use.

Application 12842 was approved and interim Permit 10477 was issued on July 3, 1956. The interim permit authorizes direct diversion of 500 cubic feet per second (cfs) and storage of 50,000 acre-feet per annum (afa) from about December 1 of each year to about July 1 of the succeeding year. The temporary basis of right is stated in Permit Condition 8:

"This permit is issued in accordance with the provisions of Section 1462 of the Water Code for the <u>temporary</u> appropriation of the excess of the permitted appropriation over and above the quantity applied to beneficial

use from time to time by the East Bay Municipal Utility District (EBMUD) under its Application 13156 and permit issued thereon..."

This permit language clearly states that water use under this permit is subordinate to EBMUD's priority needs for municipal and industrial use. As EBMUD's use increases due to population growth in EBMUD's service area, the amount remaining under Permit 10477 for the District's use decreases.

Under a 1963 contractual agreement between the District and EBMUD, whenever water in excess of EBMUD's needs is available from Camanche Reservoir storage, EBMUD abandons up to 20,000 afa[1] at Camanche Dam for the District's use. The water is released from storage during the summer months and flows in the Mokelumne River to the District's pumps. The District claims a right to use the water which EBMUD releases under Permit 10477. The District pumps the water from the river at two of the three points of diversion authorized by Permit 10477.

Maximum Water Use Under Permit 10477

During a July 29, 1981 inspection by Division staff, it was determined that maximum use under the permit occurred in the 1972-73 water year when 9,486 af was diverted. Water use under the permit has declined since then. The inspection report concluded that the amount placed to beneficial use as of July 29, 1981 was much less than authorized and that the amount of water available would probably decrease as EBMUD increases use of water stored in Pardee Reservoir.

Petition for Extension of Time

On October 26, 1972, the Division approved the first time extension for this project. The permittee was given until December 1, 1975 to complete construction of project facilities, and until December 1, 1980 to put the water to full beneficial use. A second petition for extension of time was filed in 1983 which requested additional time because of financial problems due to Proposition 13 and uncertainties about when the Folsom-South Canal would be completed. The unprotested petition was approved on January 30, 1984 and the new development schedule required that construction be completed by December 1, 1988 and the water be put to full beneficial use by December 1, 1989.

The Division inspected various District diversion points three times between 1988 and 1990. No water was being diverted from any of the inspected facilities on any of those dates. Further, no water has been diverted under this permit since 1986 because no water was available in the Mokelumne River. An April 29, 1991 letter from James F. Sorensen to the Division regarding the District's water use states that the District has not been able to make any diversions on the Mokelumne River for the past four years and it appears highly unlikely that it will take any water in the 1991 water year. The

[1] Information obtained during August 16, 1991 telephone conversation between Katherine Mrowka and EBMUD staff person John Skinner

letter also states that the uncertainty of a Mokelumne River water supply for the District makes it impossible for the District to obtain financing to add additional facilities to take water from the Mokelumne River.

Basis for Approval of an Extension of Time

Section 844 of Title 23, California Code of Regulations (Regulations) defines the requirements for approval of an extension of time. An extension of time within which to commence or complete construction work or apply water to full beneficial use will be granted only upon such conditions as the State Board determines to be in the public interest and upon a showing to the State Board's satisfaction that due diligence has been exercised, that failure to comply with previous time requirements has been occasioned by obstacles which could not reasonably be avoided, and that satisfactory progress will be made if an extension of time is granted. Lack of or inability to obtain finances will generally not be accepted as a good cause for delay.

Folsom-South Canal

The Progress Reports by Permittee filed by the District state that water use will increase when the U.S. Bureau of Reclamation (Bureau) extends the Folsom-South Canal to the District's service area. We note that even if the canal were extended to serve the District, use of this supply cannot be accomplished under Permit 10477, because the canal delivers water from sources outside of the Mokelumne River watershed under Bureau permits. The sole source of any water used under Permit 10477 must be unappropriated water from the Mokelumne River.

Further, contractual water obtained from others (such as EBMUD or the Bureau) on the basis of another permittee's rights cannot be used to demonstrate beneficial use under one's own permit. The water cannot be double-counted under two water rights.

Discussion

In this instance, the State Board has approved two prior time extension requests which extended the time for development of this project by 17 years, from 1972 to 1989. The District has had a total of 35 years in which to complete construction and perfect full beneficial use. With the exception of 1977-78 and 1986-90 when no water was used under this right, water use has varied between about 5,500 and 9,500 afa. Use has not increased over the earlier levels during the time covered by the second time extension. The District has stated that use will increase only if the Folsom-South Canal is constructed. Water obtained from the canal cannot be credited to Permit 10477. No evidence was provided to indicate if or how the permittee intends to increase water use under Permit 10477, other than the possible future importation of Folsom-South canal water to this basin which was discussed previously.

The permittee has requested an extension of time until the year 2000 to develop full beneficial use of water. It is apparent that the permittee has utilized the maximum amount of water which was available under interim Permit

10477. There is nothing in the record to indicate that future use will increase over historic levels if the new development schedule were approved. It is questionable whether additional time to make full beneficial use of water under a permit which was issued on an interim basis 35 years ago is appropriate. Division staff recommends that this matter be scheduled for a hearing before the State Board.

A permit issued pursuant to Water Code Section 1462 is only temporary. It cannot be licensed. Therefore, one of the issues in any hearing is whether the permit can be maintained. If the permit is maintained, it appears that the permitted quantity should be reduced to reflect historical use.

Recommendation

Division staff recommends that the protests be accepted and that this matter be scheduled for hearing.

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FELLOW
AMERICAN SOCIETY
OF CIVIL ENGINEERS

JAMES F. SORENSEN
CONSULTING CIVIL ENGINEER

209 SOUTH LOCUST STREET
P.O. BOX 509
VISALIA, CALIFORNIA 93279
PHONE 209/732-7938
FAX 209/732-7937

Control T00096
Due 2/14/97

RECEIVED

January 21, 1997

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EXECUTIVE OFFICE

cc: USBR

Mr. Walter Pettit
Executive Officer
State Water Resources Control Board
P. O. Box 944212
Sacramento, CA 94244-2120

SUBJECT: North San Joaquin Water Conservation District
Water Situation

Dear Mr. Pettit:

This letter is written in a personal effort to call your attention to what I believe is a situation which cries out for a remedy. I am referring to conditions which exist in northern San Joaquin County where the 54,000 acre North San Joaquin Water Conservation District (NSJWCD) caught up in a trap through a series of actions by state and federal agencies which has brought about a stalemate in the District. The Moklelumne River courses east to west about in the center of the District.

A quick review will set the stage:

1. In 1948, NSJWCD filed Application 12842 to build a project to divert Mokelumne River water to lands on both sides of the river east of Lodi. East Bay Municipal Water District later filed Application 13156 to build a project to permit it to export additional Mokelumne River water to the East Bay area. In Decision 858 the state engineer, in spite of the later EBMUD application date, gave priority to East Bay Municipal Utility District mainly on municipal preference, even though the City of Lodi, a part of North San Joaquin Water Conservation District, obviously needed municipal water. This decision gave North San Joaquin Water Conservation District Mokelumne River water which was only surplus to the needs of East Bay Municipal Utility District. A basic premise for the decision that the Folsom South Canal would deliver Central Valley Project water from the American River to North San Joaquin Water Conservation District.

2. North San Joaquin Water Conservation District, ostensibly at the direction of the State Water Rights Board, then filed Application 12440 for American River water and this application was denied in Decision 893 in favor of the U.S. Bureau of Reclamation which was directed to contract with entities such as North San Joaquin Water Conservation District. The District negotiated with the USBR for Folsom South Canal deliveries and approved 12 draft contracts offered, but never executed, by the USBR. North San Joaquin

actively supported the authorization and funding for the Folsom South Canal of the Central Valley Project, but as is well known, that canal facility was never completed into San Joaquin County and no American River water has ever been delivered into San Joaquin County.

3. In late 1992, the State Water Resources Control Board held a hearing on Mokelumne River water issues with emphasis on fish releases, but also including matters of need, supply and re-allocation of Mokelumne River water. It is now four years since that hearing was complete and no decision has been rendered with the result that North San Joaquin Water Conservation District continues to limp along on water which East Bay Municipal Utility District does not export leaving a highly undependable supply for North San Joaquin Water Conservation District. In fact, North San Joaquin Water Conservation District has gone through one period in which it did not receive a drop of water for six consecutive years and this undependability causes the would be SURFACE water-users in the District to operate and maintain ground water pumping facilitieS. Once these are installed, there is little desire to utilize undependable Mokelumne River water supplies.

4. A present, East Bay Municipal Utility District is not only exporting large amounts of Mokelumne River water to the Bay Area, it is now proposing to export American River water to the Bay Area possibly conveying such water through northern San Joaquin County to the Mokelumne Aqueduct. There are proposals utilizing injection-extraction wells and surface irrigation systems for a conjunctive use project in San Joaquin County by which surplus Mokelumne River water and American River water would be conjunctively applied so as to make some ground and surface water available to both East Bay Municipal Utility District and San Joaquin County entities.

5. To make such a conjunctive use project operate, North San Joaquin Water Conservation District will be expected to furnish District facilities at its expense and to contribute substantial funding for joint facilities. The District, without a decision by the State Water Resources Control Board and without a dependable water supply, is unable to seek public financing to raise the necessary funds.

It appears to me that the State Water Resources Control Board and its predecessors are and have been relying on a faulty assumption that North San Joaquin Water Conservation District would be able to get water from the American River through the Folsom South Canal and have left North San Joaquin Water Conservation District in the lurch and in a continually worsening ground water condition. The District has become an "orphan".

Further, it appears to me that it is incumbent upon the State Water Resources Control Board to take action to implement a solution to this water

shortage problem by making available to North San Joaquin Water Conservation District a dependable supply of water from the Mokelumne River, thereby restoring watershed protection for an area of origin in this area lying on both sides of the Mokelumne River.

The record is clear --- North San Joaquin Water Conservation District has complied with various state and federal dictates and is somehow entitled to equitable treatment which has been so sorely lacking.

Your comment to the matters set forth herein is respectfully solicited and I await your response. I will be glad to discuss this serious matter with you.

Yours very truly,

James F. Sorensen

JFS:mc

cc: Mr. John McAffrey, Chairman, SWRCB
Mr. John Brown, Vice-Chairman, SWRCB
Mr. James Stubchaer, Member, SWRCB
Mr. Mark Del Pierro, Member, SWRCB
Ms. Mary J. Forster, Member, SWRCB

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SURNAME

12842

Cal/EPA

Pete Wilson
Governor

State Water Resources Control Board

Mailing Address:
P.O. Box 100
Sacramento, CA
95812-0100

901 P Street
Sacramento, CA
95814
(916) 657-1954
FAX (916) 657-1485

MAR 19 1997

Mr. James F. Sorenson
Consulting Civil Engineer
P.O. Box 509
Visalia, CA 93279

Dear Mr. Sorenson:

NORTII SAN JOAQUIN WATER CONSERVATION DISTRICT

This is in reply to your letter dated January 21, 1997 regarding the water rights of the North San Joaquin Water Conservation District (NSJWCD). In your letter, you provide a chronology of actions relating to NSJWCD water rights. In addition, you request that the State Water Resources Control Board (SWRCB) take actions to make a dependable supply of water available to NSJWCD from the Mokelumne River to restore watershed protection for a water district within the area of origin.

At the present time, there are no pending matters relating to water rights on the Mokelumne River that would precipitate SWRCB review of the water rights/water supply relating to NSJWCB.

There are two ongoing activities that could affect the water supply of NSJWCD:

1. The SWRCB held a hearing in 1992 to review the water rights of the East Bay Municipal Utilities District (EBMUD) and the instream flow regime needed below Camanche reservoir to protect the fishery resources. At the same time, the Federal Energy Regulatory Commission (FERC) initiated a similar review of EBMUD's hydro power licenses issued by FERC. Since FERC was conducting that study, the SWRCB suspended further action to review EBMUD's water rights pending completion of the FERC evaluation. It is my understanding that FERC, EBMUD and other parties to the FERC action are working on a negotiated settlement to that proceeding. We anticipate that FERC may complete its actions by this summer and that EBMUD may seek actions by the SWRCB to make its water rights consistent with FERC's licensing decisions. I would recommend that you contact FERC to determine the status of those negotiations.

2. Sacramento area water agencies including the City and County of Sacramento are engaged in an extensive effort (referred to as the Water Forum) to evaluate the diversion and use of water from the American River. EBMUD is participating in the Water Forum. EBMUD recently distributed a report that proposes diversion to the East Bay service area. EBMUD is evaluating a conjunctive use program that could include

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storage of groundwater with the Mokelumne River basin. I recommend that you contact representatives from the Water Forum and/or EBMUD to determine the status of those studies.

If your follow-up on either of the above suggestions results in discussions with the agencies mentioned, at which our staff could provide useful information, we would be willing to participate.

Please call me at (916) 657-0941 or call Edward Anton at (916) 657-1359 if you have any questions.

Sincerely,

Original Signed By:

Walt Pettit
Executive Director

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 12842 PERMIT 10477 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND THE ISSUANCE OF AN AMENDED PERMIT

WHEREAS:

1. Permit 10477 was issued to North San Joaquin Water Conservation District, on July 3, 1956, pursuant to Application 12842.

2. A petition for an extension of time has been filed with the State Water Resources Control Board (Board). The petition was protested by the Department of Fish and Game, the California Sportfishing Protection Alliance, and the East Bay Municipal Utility District.

3. A June 30, 1992 Board hearing led to the development of a stipulated agreement between the permittee and the protestants. Certain conditions of the stipulated agreement should be incorporated into Permit 10477.

4. Permit conditions should be amended to conform to the Board's current Standard Permit Terms.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Board shall issue Amended Permit 10477. The amended permit shall reflect the current status of Permit 10477, the new development schedule, pertinent aspects of the permittee's June 30, 1992 stipulation, and updated version of standard Board permit terms.

Dated: DECEMBER 11 1992

for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 10477

Application 12842 of North San Joaquin Water Conservation District

filed on December 2, 1948, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this amended Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source: Mokelumne River

Tributary to: San Joaquin River

2. Location of point of diversion:

40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Camanche Reservoir South 41° 33' West, 1,824 feet from E¼ corner of Section 6	SE¼ of SE¼	6	4N	9E	MD
Direct Diversion and Rediversion North 2,600 feet and West 1,000 feet from SE corner of Section 26	NE¼ of SE¼	26	4N	7E	MD
South 75 feet and East 850 feet from W¼ corner of Section 35	NW¼ of SW¼	35	4W	7E	MD

County of San Joaquin

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
Recreational	Camanche Reservoir in SE¼ of SE¼	6	4N	9E	MD	
Domestic	45,000 net acres within gross area of 52,000 acres being within the service					
Municipal	area of the North					
Industrial	San Joaquin Water					
Irrigation	Conservation District, including					45,000
	Township 3 North, Ranges 6, 7, 8 East, and T4N, Ranges 6, 7, and 8 East, MDB&M					

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a combined total of 80 cubic feet per second by direct diversion. Direct diversion shall be limited to no more than 40 cubic feet per second at any one pumping facility to be diverted from December 1 of each year to July 1 of the succeeding year and 20,000 acre-feet per annum by storage to be collected from December 1 of each year to July 1 of the succeeding year. The total amount of water to be taken from the source shall not exceed 20,000 acre-feet per water year of October 1 to September 30. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 2000. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. This permit shall not be construed as conferring upon permittee right of access to the point of diversion. (0000022)

13. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

14. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (000029B)

15. 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. (0000063)

16. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning availability of water and the protection of beneficial uses of water in the Sacramento-San Joaquin Delta and San Francisco Bay. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000080)

17. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Mokelumne River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

18. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

b. Supplemental Project water is defined as that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0000091)

19. If, during the scheduled Mokelumne River hearing, it is determined that water is available to serve Permit 10477, the time extension to December 31, 2000 authorized by this amended permit, 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. (3400600)

20. No additional pumping capacity or storage facilities shall be constructed under Permit 10477. (0340900)

21. This permit is issued to accordance with the provisions of the Section 1462 of the Water Code for the temporary appropriation of the excess of the permitted appropriation over and above the quantity applied to beneficial use from time to time by the East Bay Municipal Utility District under its Application 13156 and permit issued thereon provided that the project of the North San Joaquin Water Conservation District shall be so constructed that it may be feasibly integrated at a later date with the project of East Bay Municipal Utility District under Application 13156 as may be determined by the State Water Resources Control Board. (0000999)

22. 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. (0140800)

23. 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. (0360400)

This permit is issued and permittee takes it **subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DECEMBER 11 1992

STATE WATER RESOURCES CONTROL BOARD

Roger K. Rumm

for Chief, Division of Water Rights

WR 14-2 (1-79)

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CONTACT REPORT

DIVISION OF WATER RIGHTS

STATE WATER RESOURCES CONTROL BOARD

Date: February 14, 2001
Subject: East Bay Municipal Utility District – A013156
Division Personnel: Alana L. Gibbs
Individual Contacted: See Attached
Phone: N/A

Conversation: A meeting was held in conference room 14-10 at the Division's offices with representative of East Bay MUD. Those in attendance are listed on the attached sheet. The agenda for the meeting is attached, as well. It was decided that East Bay MUD would be noticed with North San Joaquin Water Conservation District (A012842), both of which will not be noticed until the decision is released on the Mokelumne River.

Assembly Bill No. 2955

CHAPTER 318

An act to add Chapter 6 (commencing with Section 75480) to Part 8 of Division 21 of the Water Code, relating to water.

[Approved by Governor August 30, 2002. Filed with Secretary of State September 3, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2955, Pescetti. North San Joaquin Water Conservation District: assessments.

(1) Under the Water Conservation District Law of 1931, a district may be organized and established by a county board of supervisors, with specified powers and purposes.

This bill would authorize the North San Joaquin Water Conservation District to impose a specified per-acre assessment, not to exceed $5 per acre or portion of an acre, on land on which surface water or groundwater is applied, as defined, or delivered, to pay for the expenses relating to the delivery of surface water, for groundwater recharge, and for related expenses of the district. The bill would authorize the board of the district to provide a procedure for the fixing and collection of the assessments by way of the county tax bills, thereby imposing a state-mandated local program by imposing additional duties on the affected county with regard to the collection of those assessments.

(2) Article XIII C of the California Constitution generally requires a majority vote of the electorate for a local government to impose, extend, or increase any general tax and a $^2/_3$ vote of the electorate to impose, extend, or increase any special tax and permits the use of the initiative to affect local taxes, assessments, fees, and charges. Article XIII D of the California Constitution generally requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. The Proposition 218 Omnibus Implementation Act prescribes specific procedures and parameters for local jurisdictions in complying with Article XIII C and Article XIII D of the California Constitution.

This bill would require that any assessments be levied consistent with Article XIII C, Article XIII D, and the Proposition 218 Omnibus Implementation Act.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 75480) is added to Part 8 of Division 21 of the Water Code, to read:

CHAPTER 6. NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

75480. (a) The North San Joaquin Water Conservation District, in addition to its other powers, may levy assessments as provided in this chapter.

(b) "District," for the purposes of this chapter, means the North San Joaquin Water Conservation District.

(c) "Collected water" and "water that is collected," for the purposes of this chapter, means the net acre-feet of water caused to be deposited onto land by the district. In determining the amount of collected water, both the amount of water entering the water system and the amount of water leaving the water system, having not been applied, shall be measured. The amount of water that leaves the system, having not been applied, shall be subtracted from the amount of water that enters the system. The difference shall be reduced by the amount of water lost due to evaporation and further reduced for water subject to export from the district. The sum difference is the amount of collected water.

(d) "Applied," for the purposes of this chapter, means that the water has been used for irrigation, recharge, in lieu flooding, deposited into an area for storage, or held in an area for percolation purposes.

(e) "System," for the purposes of this chapter, means all of the physical apparatus owned, operated, or maintained by the district for the purpose of moving or holding water.

75480.5. (a) The North San Joaquin Water Conservation District may fix and collect assessments upon taxable land within the district on which surface water or groundwater is applied or delivered. Assessments may not be imposed on dry pastureland or other agricultural land on which neither groundwater nor surface water is applied or delivered.

(b) The maximum amount of the assessments levied by the district shall be determined on a year-by-year basis, dependent on the amount of water that is collected by the district during the previous year, consistent with this section. The district shall determine the amount of collected water.

(c) The revenue obtained from the assessments shall be used for the purposes of groundwater recharge, the delivery of surface water, and any related expenses incurred by the district. The district may, by resolution of the board, fix and collect assessments sufficient to meet and pay the estimated expenses and obligations authorized by this subdivision, including a reasonable reserve for contingencies. No assessment may be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

(d) The assessments shall be fixed by the district on or before the 31st day of July in accordance with subdivisions (e) and (f).

(e) (1) During the years 2003, 2004, 2005, and 2006, the district may assess no more than one dollar ($1) per acre or portion of an acre, unless the district has collected 5,000 acre-feet or more of water, during the previous year.

(2) If the district has collected at least 5,000 acre-feet, but less than 8,000 acre-feet, of water during the previous year, then the district may assess up to two dollars ($2) per acre or portion of an acre.

(3) If the district has collected at least 8,000 acre-feet, but less than 10,000 acre-feet, of water during the previous year, then the district may assess up to three dollars ($3) per acre or portion of an acre.

(4) If the district has collected at least 10,000 acre-feet, but less than 12,000 acre-feet, of water during the previous year, the district may assess up to four dollars ($4) per acre or portion of an acre.

(5) If the district has collected 12,000 acre-feet or more of water during the previous year, the district may assess up to five dollars ($5) per acre or portion of an acre. The district may not assess more than five dollars ($5) per acre, or portion of an acre, of taxable land within the district on which surface water or groundwater is applied or delivered.

(f) (1) For the year 2007, and each subsequent year, if the district has collected at least 3,000 acre-feet, but less than 5,000 acre-feet, of water during the previous year, then the district may assess up to one dollar ($1) per acre or portion of an acre.

(2) If the district has collected at least 5,000 acre-feet, but less than 8,000 acre-feet, of water during the previous year, then the district may assess up to two dollars ($2) per acre or portion of an acre.

(3) If the district has collected at least 8,000 acre-feet, but less than 10,000 acre-feet, of water during the previous year, then the district may assess up to three dollars ($3) per acre or portion of an acre.

(4) If the district has collected at least 10,000 acre-feet, but less than 12,000 acre-feet, of water during the previous year, the district may assess up to four dollars ($4) per acre or portion of an acre.

(5) If the district has collected 12,000 acre-feet or more of water during the previous year, the district may assess up to five dollars ($5)

per acre or portion of an acre. The district may not assess more than five dollars ($5) per acre, or portion of an acre, of taxable land within the district on which surface water or groundwater is applied or delivered.

(g) The board, in levying the charges, may establish the dates of delinquency and may impose penalties for delinquency not exceeding 10 percent of the amount of the assessment and may, in addition, collect interest at the rate of 8 percent per annum from the date of delinquency on all delinquent assessments. The district may sue for the recovery of unpaid assessments.

(h) Any assessment levied pursuant to this chapter shall be imposed consistent with Article XIII C and Article XIII D of the California Constitution and the Proposition 218 Omnibus Implementation Act (Chapter 38 of the Statutes of 1997), and any amendments thereto.

75481. (a) The district may, by resolution of the board, provide a procedure for and collect the assessments by way of the tax bills of the county in which the district is located. The assessments shall appear as a separate item on the tax bill, shall be collected at the same time and in the same manner as county ad valorem property taxes are collected, and shall be subject to the same procedures, including sale in case of default, as are provided for those taxes.

(b) The district shall, on or before August 1 of each year, certify to the county auditor the assessments to be collected. The county may deduct from the revenue so collected for the district, an appropriate amount for the billing and collection services provided to the district.

75481.5. Any assessments erroneously made by reason of inadvertence or clerical mistake may be refunded upon order of the board at any time after payment.

SEC. 2. The Legislature finds and declares that this act, which is applicable only to the North San Joaquin Water Conservation District, is necessary because of the unique and special groundwater problems in the area included in the district. It is, therefore, hereby declared that a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable to the district and the enactment of this special law is necessary for the conservation, development, control, and use of that water for the public good.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
August 2001

AB 93 and Beyond

Overview of AB93

Background: A new report prepared by the consulting firm, CDM, for San Joaquin County states that our groundwater basin has lost 2.8 million acre-feet during the last 23 years. It also concludes that groundwater levels within the northeastern part of the County will fall 40 feet during the next 30 years if no action is taken to correct the current overdraft condition. AB93 is an integral part of the North San Joaquin Water Conservation District's (NSJWCD) petition to renew its claim on 20,000 acre-feet annually (AFA) of Mokelumne River wet year water. The petition, filed with the State in 2000 for an extension of NSJWCD's rights beyond its December 31, 2000 expiration date, stated that in order to expand delivery of the present 3000 AFA and immediately encourage conjunctive use of the full 20,000 AFA, the District is seeking legislation which would open the door to an acreage charge, with revenue used to reduce the current surface water rate.

The intent of this bill is to promote recharge of the water table beneath northeastern San Joaquin County by providing relatively inexpensive surface water, when available, during wet years, for use on agricultural land from the existing NSJWCD distribution system. Surface water from the Mokelumne River will be supplied to growers who will use it to irrigate crops, allowing the excess to seep into the underground reservoir. As the program expands and more growers are brought into the program, the entire region will realize benefits, as the watertable will fall at a slower rate. As improvements in our groundwater supply benefit all within the District boundaries, the cost of pumping and distributing the water, under this plan, would fall on the shoulders of all landowners within the District. All landowners would be assessed a small fee through a minimal charge per acre or portion of an acre.

Election: AB93 would authorize NSJWCD to place the proposition for an acreage charge before all property owners within the District's boundaries. If the bill becomes law during 2001, the Board would conduct a landowner mail election during the spring of 2002. Votes would be given on a per-acre basis. A person owning one acre would have one vote, while a person with 50 acres would get 50 votes. However, a person with a fifth of an acre lot within the Lodi City limits would pay the charge for one acre, and would get one vote. The District would pay for the cost of the election. This would apply to all 54,000 acres within the District, except for land not using surface or groundwater. It would include all Lodi Urban land within the District.

Acreage Charge: If such an election were to pass, NSJWCD would be authorized to impose an acreage charge not to exceed $5 per acre or portion of an acre, collected by the County as part of property tax bills. Preliminary estimates suggest that 45,000 acres

of agricultural land plus some 25,000 parcels of urban land would be involved. If these estimates prove accurate, a $1.00 charge should be sufficient to initiate the program and would permit the District to supply relatively inexpensive water to growers on the system, reducing the rate from the current $50 to $20 per acre. These growers would not only be recharging the subterranean aquifers with Mokelumne River water, but would be turning off their wells in the process, reducing the demand on the underground system.

Because elections are costly, probably $35,000 ±, the Board intends to seek approval of the $5.00 charge with the understanding that the first charge would be $1.00 and that future increases would be made only after public meetings with the City and rural area water users.

Expanding the NSJWCD's Capacity: On the Average over the past 10 years, the District has been utilizing only 3,000 AFA. This water has been delivered to growers on approximately 800 acres of agricultural land through the District's southern pipeline. The District delivered up to 10,000 AFA prior to the 1987 drought.

Table A illustrates how the District would spend its resources as water delivery and acreage served expand from the current 3000 AFA delivered to a minimum of 10,000 AFA.

Financing Beyond AB93

The District recognizes that use of the full 20,000 AFA for irrigation or direct recharge will require additional funds for repair and expansion of the existing distribution system, and for construction of direct recharge facilities. The District is currently exploring the use of State and Federal grants to cover these costs. Grants could be obtained if the local project were to provide broad, statewide benefits. Repair and expansion of the distribution system could be covered by such grants if we allowed others to use our groundwater basin to store their wet year water for their extraction during dry years.

Low interest rate loans (currently 2.6%) are also available from the State for repair of the distribution system. No use of our groundwater basin by others would be required.

In the event AB93 is not enacted, the District could levy a ground water charge. The District already has the authority to impose a groundwater charge for use of groundwater without an election. This option, however viable as it may appear, would be costly, requiring the use of an office with paid staff for billing, meter reading, etc. Approximately 100,000 acre-feet of groundwater are pumped within the District each year. A $1.00 charge would generate approximately $100,000 per year.

A third option the District could pursue is an increase of its current total property tax revenue of $150,000. Such and increase would require an election and a two-thirds majority. This option seems unlikely at this time.

Table A

North San Joaquin Water Conservation District
Revenue and Expenses, Present and Proposed

	Present	Proposed		
	800 acres surface water 3,000 AFA	**2000 acres surface water** 6,000 AFA **(1)**	**3,584 acres surface water** 8,400 AFA **(2)**	**5,184 acres surface** water (10,000 AFA) **(3)**
Revenue				
Property Tax	$148,762	$150,000	$150,000	$150,000
Sale of Water:				
Existing				
800 ac. @$50	40,000			
Proposed				
New acreage @ $20		40,000	71,680	103,680
Acreage charge	0	70,000	70,000	70,000
Total Revenue:	$188,762	$260,000	$291,680	$323,680
Expenses				
Maintenance	$42,000	$45,000	$45,000	$50,000
Personnel	78,000	78,000	78,000	78,000
PG & E	42,000	96,000	135,000	160,000
Office	5,000	6,000	6,000	6,000
Transportation	3,000	3,000	3,000	3,000
Legal	16,000	20,000	20,000	20,000
Engineering	4,000	0	0	0
Directors	1,600	2,000	2,000	2,000
Insurance	6,000	6,000	6,000	6,000
Election**	0	7,000	7,000	7,000
Total Expenses:	$197,600	$263,000	$302,000	$332,000

(1) Assumes existing 800 ac. flood, new 400 ac. drip, new 400 ac. sprinkler, and new 400 ac. flood. Also includes 14% elec. rate increase

(2) 800 ac. ex flood, 983 ac. new flood, 1,446 ac. new drip 355 ac. new sprinkler

(3) 1,600 ac. new drip added to the 3,584 ac. Use of 20,000 AFA would increase the acreage to 15,814.

** Election expense spread over five years

Other Solutions to Groundwater Overdraft

Use of 20,000 AFA of wet year Mokelumne River water by NSJWCD will help correct the overdraft, but in a relatively small manner. An average 220,000 AFA are required for complete correction. This converts to 367,000 AFA of wet year water, expected 60% of the time. NSJWCD, through participation in the Eastern San Joaquin County Groundwater Banking Authority (GBA) is seeking to partner with the State, the Feds, or others in a major groundwater banking project. Such a project could net the GBA 367,000 AFA during wet years. NSJWCD's share would be 77,700 AFA. This amount plus a partner's share could be used by a new irrigation system plus spreading basins for recharge. Ideally, the partner would pay for all facilities required for irrigation and recharge in exchange for the right to store water in the local basin.

The GBA is currently exploring ways to recharge the basin during wet years through a combination of direct recharge (spreading basins, etc.) and increased use of surface water for irrigation. Because this would be very expensive, the GBA is investigating possible use of our basin by others who would store their wet year water here, for extraction during dry years, and would pay a fee for such use.

If someone like the State were to use our basin, our 367,000 acre-feet would be recharged during a wet year, and another 300,000 ± could be added by the state for later extraction for export to the Delta.

The only practical way to put up to 367,000 acre-feet of wet year surface water into the ground is with direct recharge (spreading basins, etc.). Because the cost will be so great, $400+ million, it will be necessary to rent the basin to others, and to use the rent to pay the $400+ million.

The District could irrigate with 10,000 AFA and recharge the second 10,000 AFA, but would have to generate additional revenue from either an acreage or groundwater charge. Costs for recharging 10,000 AFA are estimated in Table B.

Table B Direct Recharge of Second 10,000 AFA	
ITEM	ANNUAL COST
100 Acres of spreading basins (assumes one foot per day recharge on half the area for 200 days, with half the area resting or maintained)	
Principle and interest for these construction costs:	
land ripping @ $200/acre	$ 2,000
berm and on-site piping @ $1,000	$ 10,000
repair of existing distribution systems @ $2,000,000*	$200,000**
Land rental @ $800	$ 80,000
PG&E 10,000 AFA @ $16	$160,000
Operation and maintenance	$ 50,000
Total	$502,000

* Assumes 50% of north system and 20% of south system replaced.
**Assumes 30 year conventional financing, A 2.6% 20-year state loan would reduce the annual cost by approximately $50,000.

The District's current property tax revenue of $150,000 barely supports a minimal administrative effort. The above $502,000 would have to come from new revenue.

Assuming that an acreage charge of $1.00 would generate $70,000, a charge of $7.17 would be required to generate $502,000.

Assuming that a groundwater charge of $1.00 would generate $100,000, a charge of $5.02 would be required to generate $502,000.

If the second 10,000 AFA were used for irrigation, the costs would be as shown in Table C.

Table C Irrigation With Second 10,000 AFA	
ITEM	ANNUAL COST
Principal and interest for repair of existing distribution system	$200,000
PG&E 10,000 AFA @ $16.00	$160,000
Operation and Maintenance	$ 50,000
Total:	$410,000

Assuming that an additional 10,000 acres were irrigated, additional water sales revenue

would be $20 x 10,000 = $200,000. The difference between this amount and $410,000 ($210,000) would have to be generated either by an acreage charge of $3.00 or a groundwater charge of $2.10.

Clearly, use of the full 20,000 AFA for irrigation would be less costly for District residents than for direct recharge. However, such costs could be reduced or eliminated if we shared our groundwater basin storage space with others.

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

MEMO

TO: Directors

FROM: Manager Ed Steffani

SUBJECT: Acreage Charge - Election

DATE: December 16, 2002

I am writing, to report on a potential consultant, to present a summary of data from the Assessor's disk, to estimate revenue available from various acreage charges, and to offer a budget for election purposes.

I met with Stockton East Water District (SEWD) programmer, David Widmaier, and asked if he would be willing to work on his own time, to help with the NSJWCD mailed ballot election. He said that he would for $25.00 an hour. I then checked with SEWD Manager Kevin Kaufman. He approved David's working with us, and with David's using SEWD equipment, if necessary.

The printed, Address Info Extract, following this memo was developed by David from the Assessor's disk in less than two minutes.

The following table, prepared from the Info Extract shows the different types of parcels and acreage within the District:

Land Type	Number of Parcels	Acres
Vacant	977	3050
Irrigated Ag	1371	34310
Dry Ag.	37	650
Municipal	3811	9770
Totals	16196	47780

Only the irrigated agricultural and municipal parcels would generate acreage charge revenue. Irrigated Ag revenue would be based on acreage only, while municipal revenue would be based upon the number of parcels plus acreage, when the municipal parcel is larger than one acre. The following table presents rough estimates of revenue for various acreage charges.

Memo to Directors
Date: 12/16/02

Land Type	Parcels	Acres		Revenue	
			$1/Ac	$2/A	$3/AC
Irrigated Ag	1,371	34310	$34,310	$ 68,620	$102,930
Municipal	13,811	5600*	$19,411	$ 38,822	$ 58,233
		Totals:	$53,721	$107,442	$161,163

*Approximate numbers of acres to be added to the municipal parcels, to determine municipal revenue.

As was discussed at your 12/03/02 meeting, the District must not only prepare an acreage charge budget for 03-04, but must decide on the per acre amount to be submitted to the voters.

The District's acreage charge Legislation provides that the revenue be used for groundwater recharge, delivery of surface water, and any related expense. The law also limits the charge to $1 for the period, 2003-2006 unless the District uses more than 5,000 AFA for recharge and irrigation. The following table shows how the rate may be increased.

Water Use, AFA	Charge
Less than 5,000	$1.00
5,000 to 8,000	$2.00
8,000 to 10,000	$3.00
10,000 to 12,000	$4.00
More than 12,000	$5.00

Because the District did not use more than 5,000 AF during 2002, the charge for 2003 is limited to $1. An acreage charge budget for 2003-2004 must assume revenue of approximately $50,000.

The following is my first effort to develop such a budget:

ITEM		COST
Pipeline Repair*		$35,000
Nakagawa Recharge		$15,000
	Total	$50,000

*North and South distribution systems

Now, let's discuss the amount to be submitted to the voters. Ideally, the voters would be asked to approve up to $5, with the understanding that the rate cannot exceed $1 unless the District has begun to increase the use of surface water. Because elections cost money, it would be best for voters and the District that only one election be held. This would necessitate voter approval of the $5 rate, as regulated by the law. This makes the most sense, but it requires that the voters be extremely well informed.

% -	TAXABLE	NON-TAXABLE	TOTAL		LAND	SIZE	CURRENT L&I	BLDG FT
000	24	9	33	USE CODE NOT ASSIGNED	608,363F	173.89A		
001	64	1	65	VAC RES LOT - DEV W/UTIL.	525,657F	5.89A	3,513,035	4,233
002	14		14	VAC LOT W/PROB. WHICH PRECLUDES BLD	130,723F	2.94A	234,430	
003	10	1	11	VAC LOT - TOTALLY UNUS. (INCURABLE)	30,149F	.97A	9,918	
004	13		13	VAC RES LOT W/MISC. RES. IMPS. (GAR	91,953F	4.23A	336,816	3,044
005	5		5	VAC RES SUBDIVISION SITE		177.56A	4,507,424	700
006	108		108	VAC RES LOT - UNDEV	733,988F	9.40A	2,495,161	
007	8		8	POTENTIAL RESIDENTIAL SUBDIVISION	73,326F	38.83A	1,684,700	1,740
010	8,445		8,445	SINGLE FAMILY DWELLING(SFD)	59,244,474F	557.47A	1026,639,258	3,000,290
011	411		411	CONDOMINIUM UNIT	411F		35,437,662	3
012	163		163	PLANNED UNIT RESIDENTIAL DEVELOPMEN	539,009F		22,130,858	2,138
013	1		1	SFD - NON CONFORMING USE	7,500F		78,829	
014	17	1	18	SFD W/SECONDARY USE (I.E. BARBER SH	107,210F	12.70A	2,002,062	26,073
015	33		33	ZERO LOT LINE RES	131,631F		3,685,909	4,054
016	11	1	12	RES LOT W/MOBILEHOME	101,652F	1.74A	1,026,907	21,501
017	52		52	SINGLE FAMILY WITH COMMON WALL (DUE	176,260F	.07A	4,918,781	
021	399		399	ONE DUPLEX - ONE BLDG -	2,674,810F	10.35A	52,432,373	37,999
022	265	1	266	TWO SFDS ON SINGLE PARCEL	2,252,424F	21.87A	25,521,382	95,315
031	71		71	SINGLE TRIPLEX -(3 UNITS, 1 STRUC.)	527,863F		9,176,096	5,912
032	91		91	THREE UNITS - 2 OR MORE STRUCTURES	755,199F	5.32A	10,358,153	26,521
034	66		66	SINGLE FOURPLEX	469,783F	1.65A	10,693,854	
035	47		47	FOUR UNITS, 2 OR MORE STRUCTURES	395,780F	10.65A	8,331,076	14,597
040	2		2	VACANT LOTS ZONED FOR APARTMENTS	26,878F		133,238	
041	95	1	96	5-10 RES. UNITS - SINGLE BLDG.	905,503F	1.50A	22,349,311	3,520
042	66	1	67	5-10 RES. UNITS - 2 OR MORE BLDGS.	800,964F	1.96A	13,589,779	7,511
043	21		21	11-20 RES. UNITS - ONE STRUCTURE	314,269F	.97A	10,259,391	
044	25		25	11-20 RES. UNITS - 2 OR MORE BLDGS.	325,519F	8.36A	12,317,320	51,029
045	19		19	21-40 RES. UNITS - SINGLE BLDG.	399,194F	7.24A	17,712,256	
046	12		12	41-100 RES. UNITS -	240,557F	25.03A	28,890,510	
047	2		2	OVER 100 RES. UNITS		16.22A	11,741,192	
050	195	2	197	RURAL RESIDENTIAL - VACANT HOMESITE	932,615F	884.25A	11,179,606	41,946
051	1,555		1,555	RURAL RESIDENCE - 1 RES.	7,236,428F	5274.01A	288,283,370	6,811,643
052	111		111	RURAL RESIDENTIAL - 2 OR MORE RES.	503,915F	459.69A	24,753,529	551,619
053	2		2	RURAL RESIDENTIAL - VACANT - DEV. WITH UTILITIES		14.13A	179,261	
054	27		27	RURAL RESIDENTIAL - WITH MISC. RES.	4,374F	171.43A	5,060,161	44,968
055	2		2	LABOR CAMP		1.62A	185,710	9,178
056	15		15	RURAL RESIDENTIAL W/MOBILEHOME	70,132F	50.86A	1,836,238	40,793
060	9		9	MOTELS LESS THAN 50 UNITS	293,430F	.87A	5,383,504	
061	3		3	MOTELS OVER 50 UNITS	177,789F	4.02A	5,623,236	2,468

062	2		2	MOTELS LESS THAN 50 UNITS W/SOME KI	37,120F	1.95A	745,993	17,556
070	3		3	HOTEL W/O RESTAURANT	17,100F		717,035	
078	2		2	ROOMING HOUSE - DORM. -FRAT/SOR. HO	35,984F	1.32A	326,419	7,340
080	41		41	COMMON AREAS - NO STRUCTURES	575,958F	29.15A		
081	12		12	COMMON AREAS - W/STRUCTURES	48,123F	17.40A		
082	5		5	COMMON AREAS - ROADS & STREETS	31,848F	2.24A		
090	17		17	MOBILEHOME PARK	289,290F	128.49A	19,961,962	39,379
091	1		1	OVERNIGHT TYPE TRILER PARK		5.50A	534,142	4,200
095	1		1	MOBILEHOME APPURTENANCES			5,894	
096	401		401	MOBILEHOME W/APPURTENANCE	5F		10,108,305	117,763
100	19		19	VACANT COMMERCIAL LAND - UNDEV.	120,473F	55.17A	1,471,787	10,975
101	61	1	62	VACANT COMMERCIAL LAND DEV. W/UTIL.	880,053F	43.16A	8,672,736	2,601
102	9		9	VACANT COMMERCIAL LAND W/MISC. IMPS	36,670F	12.91A	2,052,287	8,585
107	2		2	POTENTIAL COMMERCIAL SUBDIVISION		9.34A	471,181	

TAXABLE	NON-TAXABLE	TOTAL			LAND SIZE		CURRENT L&I	BLDG FT
% -								
110	101		101	SINGLE STORY STORE	1,006,409F	15.84A	32,371,052	20,665
111	2		2	MULTIPLE STORY STORE	9,250F		174,640	
112	35		35	MULTIPLE STORES IN ONE BUILDING	406,706F	1.75A	10,632,439	11,221
113	57		57	STORE WITH RES. UNIT OR UNITS	356,102F	9.84A	7,751,094	45,494
120	6		6	1 STORE & 1 OFFICE	60,949F		782,484	5,058
121	17		17	MULTIPLE COMB. OF STORES AN/OR OFFI	185,415F	2.68A	4,535,311	
130	2		2	1 STORY DEPARTMENT STORE	74,996F		1,504,908	
140	13		13	GROCERY STORE	116,921F	3.45A	6,755,358	5,771
141	3		3	SUPERMARKETS	275,525F		4,288,646	
142	4		4	CONVENIENCE STORE	69,199F		1,161,091	4,121
143	5		5	CONVENIENCE STORE W/FUEL SALES	124,791F	5.10A	3,495,366	
151	6		6	COMMUNITY SHOPPING CENTER		28.16A	19,385,602	54,920
152	7		7	NEIGHBORHOOD SHOPPING CENTER	254,030F	3.88A	5,831,335	42,253
153	1		1	INDIVIDUAL PARCEL WITHIN REGIONAL S	276,606F		4,724,867	
154	6		6	INDIVIDUAL PARCEL WITHIN COMMUNITY	11,500F	14.06A	10,179,506	8,134
155	8		8	INDIVIDUAL PARCEL WITHIN NEIGHBORHO	385,768FER		6,393,096	
170	60	1	61	1 STORY OFFICE BUILDING	622,468F	13.73A	21,031,394	14,838
171	10		10	2 STORY OFFICE BUILDING	111,715F	.73A	3,593,239	4,609
173	5		5	OFFICE BLDG. W/RES. UNIT(S)	27,661F	1.01A	1,137,801	
190	10		10	MEDICAL OFFICES	152,788F		3,732,852	
191	6		6	DENTAL OFFICES	83,482F		1,294,903	
192	2		2	MEDICAL DENTAL COMPLEX	22,563F		396,542	
193	6		6	VETERINARY HOSPITALS	98,575F	4.55A	1,542,115	8,270
195	5		5	TWO STORY OFFICE CONDO.	5F		375,194	
200	1		1	COMMERCIAL COMMON AREA - NON SHOPPI	9,350F			
201	7		7	MISC. MULTIPLE USES - NONE FULLY DO	118,719F	11.26A	1,855,490	22,960

202	5		5	COMMERCIAL USE THAT DOES NOT REASON	66,814F	ER CATEGORY		550,501	4,469
204	2		2	DAY CARE CENTER	16,620F	.22A		715,087	2,100
210	30		30	RESTAURANTS	347,055F	7.61A		11,047,275	16,116
211	22		22	DRIVE-IN RESTAURANTS	404,606F	2.81A		14,491,268	6,115
212	2		2	FOOD PREPARATION - TAKE OUT ONLY	14,498F			79,552	
213	10		10	COCKTAIL LOUNGE - BARS	51,880F	.17A		933,194	6,940
231	1		1	DRIVE-IN THEATERS	52,664F			5,352,940	
240	16		16	BANKS	241,463F	1.95A		10,990,851	5,677
250	8		8	FULL SERVICE STATION	133,640F	.71A		2,055,712	656
251	2		2	SELF SERVICE STATION (HAS NO FACILI	97,348F	OR SERVICE)		2,305,370	
252	3		3	SERVICE STATION W/CAR WASH	93,164F			3,413,811	3,545
253	16		16	TRUCK TERMINALS	156,961F	62.81A		7,452,255	59,876
254	4		4	BULK PLANTS	69,185F	2.77A		939,286	700
255	6		6	SELF SERVICE STA. W/MINI-MART	162,797F	2.39A		4,809,244	16,511
260	12		12	AUTO SALES W/SERVICE CENTER	246,378F	19.97A		10,176,007	1,449
261	2		2	AUTO SALES W/O SERVICE CENTER	35,662F			396,528	
262	18		18	USED CAR LOT	178,359F			1,498,645	1,989
263	2		2	OTHER SALES CENTERS (TRAILERS, MOBILE HOMES, R.V.,		6.06A		942,293	
272	1		1	FARM OR CONST. MACH. SERVICE ONLY	7,500F			22,486	2,410
280	56		56	AUTO & TRUCK REPAIRS & ACCESSORIES	930,120F	15.50A		11,043,673	31,854
281	16		16	SPECIALTY SHOPS (TIRES, BRAKES, ETC	240,566F	1.19A		4,198,843	3,800
282	5		5	CAR WASH	107,863F			1,283,943	
283	1		1	SELF SERVICE CAR WASH	6,240F			100,000	624
285	4		4	AUTO. BODY SHOP	113,935F	2.49A		1,864,526	3,808
290	3		3	RETAIL NURSERIES		16.34A		1,669,124	253,099
291	19		19	WHOLESALE NURSERIES		283.94A		13,846,825	1,728,575
300	46	1	47	VACANT INDUSTRIAL LAND UNDEVELOPED	587,505F	231.15A		9,157,597	

TAXABLE	NON-TAXABLE	TOTAL			LAND SIZE		CURRENT L&I	BLDG FT
% -								
301	65	2	67	VACANT INDUSTRIAL LAND - DEVELOPED	1,046,160F	58.16A	7,095,607	
302	10		10	VACANT INDUSTRIAL LAND W/MISC. IMPS	114,926F	25.20A	2,480,746	17,045
307	1		1	POTENTIAL INDUSTRIAL SUBDIVISION	19,689F		186,167	
310	82		82	LIGHT MANUFACTURING & LIGHT INDUSTR	1,031,291F	142.85A	58,376,355	281,967
311	52		52	LIGHT INDUSTRIAL & WAREHOUSING	1,035,783F	129.69A	80,317,562	92,849
312	43	1	44	LIGHT INDUSTRIAL & WHSE. MULTIPLE T	1,002,982F	3.99A	17,846,489	
313	23		23	INDUSTRIAL CONDO	23F		2,294,482	
314	17		17	SHOP-WORK AREA W/SMALL OFFICE	156,486F	6.08A	5,335,579	2,316
320	69	1	70	WAREHOUSING - ACTIVE	1,048,356F	139.28A	68,170,065	107,378
321	4		4	WAREHOUSING - INACTIVE	42,270F	.23A	356,553	17,075
323	21		21	WAREHOUSING - YARD (OPEN STORAGE)	226,825F	23.88A	2,677,406	15,865
324	18		18	MINI-STORAGE WAREHOUSING	109,184F	50.27A	23,708,498	133,748
330	3		3	LUMBER MILLS	36,892F	21.30A	336,259	

331	5		5	RETAIL LUMBER YARDS	84,545F	32.59A	3,297,974	266,714
332	2		2	SPECIALTY LUMBER PRODUCTS (MOULDING	8,260F	12.15A	2,861,456	35,901
340	5		5	PACKING PLANTS	96,122F	4.16A	4,357,136	46,340
341	10		10	COLD STORAGE OR REFRIGERATED WHSE	183,476F	25.23A	5,731,350	164,089
350	7		7	FRUIT & VEGETABLE	263,538F	19.24A	39,610,957	97,454
351	6		6	MEAT PRODUCTS	20,200F	31.29A	1,408,855	135,934
352	10		10	WINERIES		199.16A	125,056,546	1,260,087
353	2		2	WINERIES W/VINEYARDS		109.44A	9,896,446	180,124
355	4		4	OTHER FOOD PROCESSING	94,563F	19.63A	156,467,080	
361	1		1	RETAIL FEED & GRAIN SALES	19,440F		143,739	14,529
363	1		1	AG. CHEMICAL SALES AND/OR APPLICATION		3.34A	151,117	3,000
370	22		22	HEAVY INDUSTRY FACTORY	611,381F	56.82A	42,480,953	148,037
381	1		1	SAND & GRAVEL - SHALE	84,506F		695,749	
382	1		1	GAS OR OIL WELL			18,000	
390	3		3	INDUSTRIAL COMMON AREA	91,150F			
392	16		16	INDUSTRIAL USE THAT DOES NOT REASON	99,356F	39.41A	9,076,899	75,997
393	1		1	AIRPORT(PRIVATE)		159.70A	2,100,902	69,092
400	50		50	IRRIGATED FRUIT ORCHARD W/O RES	77,402F	1006.06A	9,464,067	39,183
401	36		36	IRRIGATED FRUIT ORCHARD W/RES		705.16A	11,491,295	207,445
410	16		16	IRRIGATED NUT ORCHARD W/O RES		773.64A	4,396,698	12,734
411	14		14	IRRIGATED NUT ORCHARD W/RES		396.24A	3,842,917	100,710
420	620	1	621	IRRIGATED VINEYARD W/O RES.	220,999F	14934.11A	131,021,232	186,404
421	342		342	IRRIGATED VINEYARD W/RESIDENCE	57,935F	8366.14A	109,233,412	1,851,940
422	13		13	MIXED ORCHARD & VINEYARD		343.65A	2,825,399	7,656
423	8		8	MIXED ORCHARD & VINEYARD W/RESIDENCE		200.88A	1,942,288	26,855
430	1		1	IRRIGATED VINES & BUSH FRUITS NO RES.		12.98A	39,447	
431	1		1	IRRIGATED VINES & BUSH FRUITS W/RES		10.17A	47,339	7,190
440	1		1	IRRIGATED TRUCK CROPS ONLY		9.86A	52,026	
441	1		1	IRRIGATED TRUCK CROPS W/RESIDENCE		27.00A	81,353	4,539
450	69		69	IRRIGATED FIELD CROPS ONLY		2031.62A	7,375,028	17,886
451	69		69	IRRIGATED FIELD CROPS W/RESIDENCE		1795.38A	16,764,420	413,378
460	27	1	28	IRRIGATED PASTURE - NO RES	2,500F	550.60A	3,090,041	24,608
461	75		75	IRRIGATED PASTURE - W/RES		1941.42A	14,741,327	458,860
462	2		2	HORSE RANCH		39.80A	406,481	30,475
463	5		5	HORSE RANCH W/RES.		120.85A	2,099,747	87,262
471	13		13	DAIRIES GRADE A - W/RES.		968.88A	6,778,047	627,003
473	1		1	DAIRIES W/RES - GRADE B		32.24A	541,977	16,894
480	2		2	CHICKEN RANCH W/O RES		14.43A	298,865	118,456
481	3		3	CHICKEN RANCH W/RES		25.28A	759,864	137,665
500	6		6	DRY FARM W/O RES	45,454F	127.06A	457,883	7,200

WATER CONSERVATION D 4110201 R64902-48 FOR J61605-10

TAXABLE NON-TAXABLE TOTAL ---------- L A N D S I Z E CURRENT L&I BLDG FT

% -

501	2		2	DRY FARM W/RES		50.16A	516,829	38,253
510	9	1	10	DRY GRAZE W/O RES		155.89A	397,008	
511	8		8	DRY GRAZE W/RES		300.28A	1,560,480	53,724
590	8	2	10	WASTE LANDS	20,975F	8.48A		
591	1		1	BERMS		.73A		
610	1		1	SWIM CENTERS	10,463F		44,971	
612	1		1	MARINA OR YACHTING CLUB	7,600F		35,512	
613	1		1	RAQUETBALL CLUB/HEALTH CLUB		1.03A	1,697,845	
615	1		1	PRIVATE CAMPGROUND OR RESORT		8.43A	954,578	3,087
620	1		1	PRIVATELY OWNED DANCE HALLS		179.07A	4,501,491	15,585
632	1		1	SKATING RINK		2.73A	781,780	
640	6		6	CLUBS, LODGE HALLS	62,071F	7.62A	1,992,541	21,013
650	1		1	PRIVATELY OWNED AUDITORIUMS & STADIUMS		11.25A	40,914	2,532
660	6		6	18 HOLE PUBLIC GOLF COURSE	22,975F	146.52A	1,906,234	
662	3		3	COUNTRY CLUB	77,985F	2.50A	2,136,083	39,278
664	1		1	DRIVING RANGE		29.79A	777,169	1,093
690	2		2	PRIVATELY OWNED PARKS		16.51A	38,000	
710	40		40	CHURCH, SYNAGOGUE OR TEMPLE	991,245F	62.97A	28,494,527	37,802
711	14		14	OTHER PROPERTY USED IN CONJUNCTION	148,060F	TO A CHURC	1,605,846	9,072
720	2		2	PRIVATE SCHOOL	61,507F	6.38A	1,137,936	14,933
721	4		4	PAROCHIAL SCHOOL	68,280F	32.99A	7,551,140	
722	2		2	SPECIAL SCHOOL		13.49A	672,772	7,563
741	5		5	CONVALESCENT HOSPITAL	143,852F	3.26A	7,116,482	
750	7		7	REST HOMES	246,194F	5.84A	7,040,653	11,043
751	3		3	SPECIAL HOMES(FOR HANDICAPPED, MENT	18,618F	24.98A	2,215,301	32,214
752	3		3	GUEST HOMES REST/NURSING	22,810F		722,565	
760	1		1	ORPHANAGES	4,500F		60,957	
770	2		2	CEMETERIES		42.86A	136,455	11,386
771	2		2	MORTUARIES & FUNERAL HOMES	18,560F	.30A	439,657	
772	1		1	CEMETARY TAXABLE(PROFIT)		20.12A	254,676	18,400
810	2	147	149	SBE VALUED	721,675F	614.76A	247,307	
812	1		1	MUTUAL WATER COMPANY	625F			
814	1	1	2	RADIO & TV BROADCAST SITE	43,382F		11,095,752	
850	3		3	RIGHT-OF-WAY	75,390F		6,727	
851	10		10	PRIVATE ROAD	2,210F	5.77A	305,522	
860	5	1	6	WELL SITE	30,796F	.34A	24,623	
890	2		2	PARKING LOTS - FEE	29,259F		88,109	
891	27		27	PARKING LOTS - NO FEE	251,991F	2.37A	2,289,889	512
903		1	1	MISC FEDERAL PROPERTY		2.17A		
916		7	7	MISC STATE PROPERTY		17.08A		
920		3	3	VACANT COUNTY LAND	10,600F		16,349	
925		28	28	MISC COUNTY PROPERTY	91,308F	500.76A	20,468	
930		5	5	VACANT CITY LANDS	46,070F	3.00A		
931		2	2	CITY BUILDINGS	29,523F		186,235	
932		2	2	CITY SHOPS & YARD	34,200F		48,889	
933		2	2	CITY PARKS & OTHER REC. FACILITIES		34.07A		
934		9	9	MUNICIPAL UTILITY PROP. (RESERVOIRS	37,654F	67.60A		

937		69	69	MISC CITY PROPERTY	444,911F	126.39A	164,200	
940		30	30	SCHOOL DISTRICT PROPERTIES	131,237F	181.15A	1,406,372	
941		3	3	FIRE DISTRICTS	28,574F	3.97A		
942		1	1	FLOOD CONTROL DISTRICT PROPERTY	12,807F			
943		16	16	WATER DISTRICT PROPERTY	151,023F	145.78A		
944		8	8	MISC. DISTRICT PROPERTY	56,013F	28.16A		

WATER CONSERVATION D 4110201 R64902-48 FOR

J61605-10

TAXABLE	NON-TAXABLE	TOTAL		LAND SIZE		CURRENT L&I	BLDG FT
% -							
950	3	3	PUBLIC OWNED LANDS	7,875F	95.35A	121,933	
951	6		[illegible]		32.38A	52,293	
TOT 15,828	368	16,196		105,201,184F	47780.26A	3097,216,348	21,283,195

W A T E R C O N S 411 R64902-48 FOR

J61605-10

TAXABLE	NON-TAXABLE	TOTAL		LAND SIZE		CURRENT L&I	BLDG FT
% -							
000	24	9	33	USE CODE NOT ASSIGNED	608,363F	173.89A		
001	64	1	65	VAC RES LOT - DEV W/UTIL.	525,657F	5.89A	3,513,035	4,233
002	14		14	VAC LOT W/PROB. WHICH PRECLUDES BLD	130,723F	2.94A	234,430	
003	10	1	11	VAC LOT - TOTALLY UNUS. (INCURABLE)	30,149F	.97A	9,918	
004	13		13	VAC RES LOT W/MISC. RES. IMPS. (GAR	91,953F	4.23A	336,816	3,044
005	5		5	VAC RES SUBDIVISION SITE		177.56A	4,507,424	700
006	108		108	VAC RES LOT - UNDEV	733,988F	9.40A	2,495,161	
007	8		8	POTENTIAL RESIDENTIAL SUBDIVISION	73,326F	38.83A	1,684,700	1,740
010	8,445		8,445	SINGLE FAMILY DWELLING(SFD)	59,244,474F	557.47A	1026,639,258	3,000,290
011	411		411	CONDOMINIUM UNIT	411F		35,437,662	3
012	163		163	PLANNED UNIT RESIDENTIAL DEVELOPMEN	539,009F		22,130,858	2,138
013	1		1	SFD - NON CONFORMING USE	7,500F		78,829	
014	17	1	18	SFD W/SECONDARY USE (I.E. BARBER SH	107,210F	12.70A	2,002,062	26,073
015	33		33	ZERO LOT LINE RES	131,631F		3,685,909	4,054
016	11	1	12	RES LOT W/MOBILEHOME	101,652F	1.74A	1,026,907	21,501
017	52		52	SINGLE FAMILY WITH COMMON WALL (DUE	176,260F	.07A	4,918,781	
021	399		399	ONE DUPLEX - ONE BLDG -	2,674,810F	10.35A	52,432,373	37,999
022	265	1	266	TWO SFDS ON SINGLE PARCEL	2,252,424F	21.87A	25,521,382	95,315
031	71		71	SINGLE TRIPLEX -(3 UNITS, 1 STRUC.)	527,863F		9,176,096	5,912
032	91		91	THREE UNITS - 2 OR MORE STRUCTURES	755,199F	5.32A	10,358,153	26,521
034	66		66	SINGLE FOURPLEX	469,783F	1.65A	10,693,854	
035	47		47	FOUR UNITS, 2 OR MORE STRUCTURES	395,780F	10.65A	8,331,076	14,597
040	2		2	VACANT LOTS ZONED FOR APARTMENTS	26,878F		133,238	
041	95	1	96	5-10 RES. UNITS - SINGLE BLDG.	905,503F	1.50A	22,349,311	3,520

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

May 28, 2003

NOTICE OF PUBLIC HEARING AND BALLOT PROCEEDING TO IMPOSE AN ACREAGE CHARGE

Dear Landowner:

The Board of Directors of the North San Joaquin Water Conservation District will hold a hearing on July 17, 2003, 7:00 P. M., in Kirst Hall at the Hutchins Street Square, 125 South Hutchins Street, Lodi, California, for the purpose of considering protests, tabulating ballots, and otherwise, considering adoption of an acreage charge which would be effective for the fiscal year 2003-2004.

North San Joaquin Water Conservation District currently imposes no charge on land within the District on which surface water or groundwater is applied. The proposal before you is to authorize the District to impose a charge up to $5.00 per acre or portion of an acre per year of land on which surface water or groundwater is applied.

State law limits the charge at $1.00 per acre for the years 2003, 2004, 2005, and 2006 unless the amounts of water caused to be deposited on land by the District exceed the amounts shown in the following table. The District caused 1800 acre-feet of water to be deposited during 2002.:

Acreage Charge Allowed	Amount of Water Deposited During the Previous Year (acre feet)
$1	0
$2	5,000
$3	8,000
$4	10,000
$5	12,000

For the year 2007 and each subsequent year, the District's authority to levy an acreage charge is limited as shown in the following table:

Acreage Charge Allowed	Amount of Water Deposited During the Previous Year (acre-feet)
$1	3,000
$2	5,000
$3	8,000
$4	10,000
$5	12,000

No charge is automatic. The District Board may adopt the charge each year at a public meeting when the amount of water deposited during the previous year will be certified, and a budget for expenditure of acreage charge revenue will be adopted.

The proposed $1 per acre charge could generate approximately $50,000 per year. The amount chargeable to each of your parcels is set forth on the enclosed Official Ballot. The proposed maximum rate of $5.00 per acre would remain in effect indefinitely. The Board of Directors may set the annual rate in accordance with the limitations shown in

tables.

The proposed acreage charge is for the purpose of funding groundwater recharge projects within the District to correct the existing critical groundwater overdraft.

The basis of the proposed charge is the acreage of each parcel as shown on the San Joaquin County Assessor's Roll. The basis of the charge has been reviewed and is supported by the report prepared by Edward M. Steffani, Registered Civil Engineer. The report may be inspected at the Lodi News Sentinel, 125 N. Church Street, Lodi, or a copy can be provided pursuant to your written request.

Ballot – Landowner Approval

The charge will not be imposed if there is a "majority protest." Under Section 4 of Article XIIID of the California Constitution (Proposition 218), a majority protest exists if, upon conclusion of the hearing, ballot votes submitted in opposition to the charge exceed the ballot votes submitted in favor of the charge. The number of votes will be based on the dollar amount of the proposed maximum charge of $5.00 per acre with a minimum of $5.00 per parcel.

Enclosed is a Ballot, Instructions to Voters and Proxy Form. The ballot should be returned by mail to the San Joaquin County Registrar of Voters, P. O. Box 810, Stockton, CA 95201, in the enclosed self-addressed envelope, prior to the close of the hearing, which will commence at 7:00 P. M. on July 17, 2003. To assure the counting of your ballot, you should return it by mail well in advance of the hearing or be present at 7:00 P. M. on July 17, 2003. Ballots received after the close of the hearing will not counted.

The ballots must be marked and the certification on the face of the ballot signed by the person casting the ballot. Landowners must comply with the requirements set forth in the attached Instructions to Voters.

If you have any questions relating to the above, you may contact Ed Steffani, P. O. Box 428, Clements, CA 95227 or by telephone at (209) 727-0207.

Yours very truly

Ed Steffani
General Manager
North San Joaquin Water Conservation District

ES/bss

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

INSTRUCTIONS TO VOTERS

Acreage Charge Ballot Proceeding
North San Joaquin Water Conservation District

May 2003

QUALIFICATIONS OF VOTERS

Each landowner (holder of title) or the legal representative of the landowner in the District shall be entitled to cast one vote for each dollar of the proposed charge based on a rate of $1.00 per acre or portion thereof owned by the landowner.

NUMBER OF VOTES ENTITLED TO CAST

The Engineer of the District, at the time of mailing the ballot to each person qualified to cast a vote, shall insert thereon the number of votes which the voter is entitled to cast on the ballot as per the last equalized assessment roll of the County of San Joaquin.

VOTER CERTIFICATION

The individual(s) casting the ballot must execute the certification on the face of the ballot and submit the ballot and the other required information. If the ballot includes parcels, which are no longer owned by the voter, then the ballot including the total number of votes should be corrected. All corrections should be initialed. If the voter desires to have a new ballot, please contact the North San Joaquin Water Conservation District office.

If you no longer own the parcel or parcels listed on your ballot, please promptly notify us so that the ballot or a corrected ballot can be provided to the new owner.

MARKING THE BALLOT

The number of votes you are entitled to cast is written on the ballot. Mark an "X" in the square "YES" or in square marked "NO".

VOTING BY PROXY

Landowner's votes cast by proxy will be accepted as valid only if such proxy meets all of the following requirements:

(a) must be in writing and on the proxy form (or a reproduction thereof) which is on the official ballot.

(b) must be executed by the landowner or legal representative of the landowner who is entitled to cast the votes for which the proxy is given.

(c) must be acknowledged.

(d) must specify the election at which the proxy is to be used.

Any proxy may be revoked at the pleasure of the person executing such proxy at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

JOINT TENANCY--CO-TENANCY

When a parcel is held as community property, joint tenancy or as a tenancy in common, any spouse, joint tenant, or tenant in common shall be presumed to have authority to cast all votes for that parcel.

PARTNERSHIPS AND LIMITED LIABILITY COMPANIES

Where the title to a parcel stands in the name of a partnership or limited liability company, one ballot must be used to vote all of the parcel. The person voting must be a general partner of the partnership or designated as the managing partner for the limited liability company; or be authorized to vote by way of a proxy from the general partner or designated managing partner.

ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS

Guardians, executors, conservators, and administrators shall be presumed to have authority to vote without obtaining special authority to vote.

TRUSTS

When title to a parcel stands in the name of a trustee or is otherwise held by a trust, the trustee or trustees shall be presumed to have authority to cast Votes for that parcel.

CORPORATION, ASSOCIATION OR FOUNDATION

When title to a parcel stands in the name of a corporation, association or foundation, any officer thereof shall be presumed to have authority to cast votes for that parcel.

LIFE ESTATES

A life tenant may cast all votes for a parcel without obtaining a proxy from the holders of the remainder interest.

DISPUTES RELATED TO BALLOTS

In the event that more than one of the record owners of an identified parcel submits a ballot, the amount of the proposed charge (votes) to be imposed upon the identified parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the records, as established to the satisfaction of the District by documentation provided by those record owners.

The District may request documentation to support the authority of any voter to cast the votes for any parcel.

Disputes which will not affect the outcome of the balloting will be left unresolved.

**If you have any questions regarding the enclosed, please contact Ed Steffani at
(209) 727-0207.**

Official Ballot
Authority to Levy Acreage Charge
North San Joaquin Water Conservation District
2003

INSTRUCTION TO VOTERS:
To vote on the measure, mark an "X" in the voting square after the word "YES" or after the word "NO".

Mail or deliver this ballot to the San Joaquin County Registrar of Voters, P. O. 810, Stockton, CA 95201. Ballots must be received prior to the close of Acreage Charge Ballot Hearing which is to commence at 7:00 P. M., Thursday, July 17, 2003, at Kirst Hall, Hutchins Street Square, 125 South Hutchins Street, Lodi, California.

If you wrongly mark, tear, or deface this ballot, return it to the North San Joaquin Water Conservation District, C/O Lodi City Hall and a new one will be issued to you. If you make changes on the face of this ballot, please initial each change.

MEASURE SUBMITTED TO VOTE OF VOTERS

The Board of Directors of North San Joaquin Water Conservation District may levy an annual acreage charge of no more than $5 per acre or portion of an acre in accordance with the following limitations established by State law. During the years 2003, 2004, 2005, and 2006, the District may levy no more than $1 unless the amounts of water deposited during the previous year exceed the amounts shown in the following table:

Acreage Charge Allowed	Amount of Water Deposited During the Previous Year (acre-feet)
$1	0
$2	5,000
$3	8,000
$4	10,000
$5	12,000

For the year 2007 and each subsequent year, the District's authority to levy an acreage charge is limited as shown in the following table:

Acreage Charge Allowed	Amount of Water Deposited During the Previous Year (acre-feet)
$1	3,000
$2	5,000
$3	8,000
$4	10,000
$5	12,000

No charge is automatic. The District Board may adopt the charge each year at a public meeting when the amount of water deposited during the previous year will be certified, and a budget for expenditure of acreage charge revenue will be adopted.

Total number of votes entitled to cast:

YES ☐ NO ☐

I, the undersigned, declare under penalty of perjury that I am a landowner or representative of a landowner or proxy, and I am entitled to vote all the votes as listed hereon.

Executed at_____, California, this_____day of _____ 2003.

_____ Printed Name

_____ Signature

_____ Printed Name

_____ Signature

Assessor's Parcel No.	Acreage	Proposed Acreage Charge	Proposed Acreage Charge (Votes)
		$1	
		$1	
		$1	

VOTING PROXY

ACREAGE CHARGE BALLOT PROCEEDING
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

MAY, 2003

The undersigned, a landowner or legal representative of a landowner in North San Joaquin Water Conservation District, in the County of San Joaquin, State of California, does hereby constitute and appoint

_____

the proxy of the undersigned to cast all votes for all parcels for which the undersigned is authorized to vote in the above Assessment Ballot Proceeding.

Dated: _____

_____
Signature

_____
Signature

_____
Signature

_____
Signature

ACKNOWLEDGMENT BY NOTARY

STATE OF CALIFORNIA
COUNTY OF _____

On_____ before me, _____ personally appeared _____, personally known to me (or proved on the basis of satisfactory evidence) to be the person (s) whose name (s) is/are subscribed
in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

Witness my hand and official seal.

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

ENGINEER'S REPORT

ACREAGE CHARGE

May 2003

The North San Joaquin Water Conservation District Board of Directors has proposed that an annual charge not to exceed $5 per acre be levied on all land upon which water is used within the District boundaries, and that this matter be submitted to the landowners for approval pursuant to Article XIIID of the California Constitution.

The North San Joaquin Water Conservation District (NSJWCD) was formed in 1948 to provide surface water for municipal, irrigation and groundwater recharge purposes, in order that the underlying groundwater basin's "critical overdraft" conditions be corrected.

The District has been operating distribution systems northerly and southerly of the Mokelumne River to provide surface water for irrigation of up to 3,000 acres, from a temporary right to 20,000 acre-feet per year (AFA) of Mokelumne River water available only during wetter years. Prior to the 1987-1992 drought, the District was providing more than 10,000 AFA to farmers practicing flood irrigation. Because no water was available during the drought, all but approximately 800 acres were converted to drip irrigation with well water. Use of river water has fallen to less than 3,000 AFA.

The use of 10,000 AFA of river water resulted in groundwater recharge of approximately 6,000 AFA. Today, less than 2,000 AFA are recharged. Both figures are insignificant when compared with the estimated NSJWCD overdraft of 50,000 AFA.

The District must undertake at least four major actions to reverse the fall of groundwater levels, averaging approximately 1 foot per year. They are: 1) extend the right to 20,000 AFA, 2) seek reallocation of 50,000 AFA of Mokelumne River water from East Bay Municipal Utilities District (EBMUD), 3) find ways to encourage more farmers to use surface water, and 4) recharge the basin with wet year water.

The District has petitioned the State for extension of the 20,000 AFA right. Because the District has been using less than 3,000 AFA, the State may extend the right for only that amount, unless the landowners demonstrate their resolve to use more surface water for irrigation and recharge. Such demonstration can take the form of landowner support of the proposed acreage charge. Defeat of the proposal would most certainly assure State denial of the District's request for extension of the 20,000 AFA right.

The District has just recently petitioned the State for reallocation of water granted to EBMUD in 1956. The State may not consider the petition unless the landowners show that they intend to use the water. Such intent can be shown by support of the proposed acreage charge.

In order that farmers may be encouraged to use more surface water for irrigation, the District must find ways to reduce on-farm costs for dual irrigation systems; one for surface water during wet years, and one for well systems for dry years

Finally, the District must begin to construct and operate groundwater recharge projects. The District's current income of approximately $180,000 per year is not sufficient to cover such activities. Revenue from the proposed acreage charge would be devoted to recharge.

The estimated $50,000 revenue from a $1 per acre charge when matched by State Grant Funds will start the District down the recharge road.

The District proposes two first phase recharge projects; one north of the river just south of the intersection of Dustin and Acampo Roads, and one south of the river, west of Tretheway Road, just north of Kettleman Lane. Water placed into the basin north of the river will benefit all land on that side of the Mokelumne. Similarly, water recharged south of the river will benefit all land south of the Mokelumne.

Since all land upon which water is used within the District would benefit from recharge activities conducted by the District, all such land, including municipal and agricultural, would be charged $1 per year per acre or portion of an acre initially, and up to $5 per year per acre or portion of an acre ultimately.

A map showing the boundaries of the North San Joaquin Water Conservation District is attached to this report as Exhibit "A".

A copy of the last equalized assessment roll of the County of San Joaquin for the area within the District is attached as Exhibit "B". The last six (6) pages of Exhibit "B" contain a summary of the assessor's use codes and acreages for each parcel within the District's boundaries.

The attached Exhibit "B" shows a total of 47,780 acres within the District's boundaries. The single largest use classification on the County's assessment roll is irrigated farmland, which comprises 34,310 acres, or 72% of the total acreage. The remaining 13,470 acres consist of a variety of uses, including non-irrigated agricultural, vacant, and municipal. Only the 34,310 acres of irrigated agricultural land and 9,770 acres of occupied municipal and rural residential land would bear the acreage charge. Vacant land and non-irrigated farmland would bear no acreage charge.

It is my determination that all parcels upon which water is used within the District's boundaries will receive special benefit as a result of the proposed acreage charge. It is also my determination that the special benefit received by each parcel is in direct proportion to each parcel's acreage, as shown on the last equalized assessment roll of the County of San Joaquin, relative to the total acreage of land upon which water is used within the District's boundaries, and that the minimum charge per parcel so charged, shall be no less than the charge for one acre. Only special benefits are charged, and no charge shall be imposed on any parcel, which exceeds the reasonable cost of the proportional special benefit received by each parcel.

Engineer's Report
North San Joaquin Water Conservation District
Acreage Charge
May 2003

The undersigned respectfully submits the foregoing Engineer's Report to the Board of Directors of the North San Joaquin Water Conservation District.

Dated this _____ day of _____

_____
Edward M. Steffani
Registered Civil Engineer
RCE12852, Expires 3/31/2005

EMS/bss

NSJ-29

Agenda 12/5/06
Item 7

MEMO

TO: Directors

FROM: Manager Ed Steffani

SUBJECT: Possible Projects and Budget for December 2006 thru December 2007

DATE: 11/24/06

I have investigated possible projects involving the north distribution system, and recharge projects on the south system.

NORTH SYSTEM

I suggested during the September 2006 meeting that work on the failing Acampo Road line might be funded by new water revenue from properties fronting the half mile west of Tretheway Road.

I talked with owners Reynolds and Lakso and have learned that substantial pipeline work would be required to deliver surface water to their existing drip irrigation facilities. Simply put, present revenue plus possible new revenue from a potential 440 acres would not be adequate to fund the possible $244,000 project.

SOUTH SYSTEM (EXISTING RECHARGE)

The Hammer recharge may prove to be worth continuing. As you know, the area was shallow–ripped this fall. Water was not available for a long enough period for us to determine the recharge rate. I propose that this operation continue for a month after water is available this coming spring and that a final decision on its future be made during April or May.

SOUTH SYSTEM (TECKLENBURG AND BODNER RECHARGE)

Owner Bodner called our attention to a sand hole just north of Kettleman adjacent to the District's pipeline. We have ripped a quarter acre area and will conduct a test after we have repaired a slide gate and after water is available.

Larry Mettler and Claude Brown called our attention to a 10 acre sand area owned by Jon Tecklenburg and located north of Kettleman and west of the District's pipeline, but near a pipeline owned by Larry Mettler. Mr. Tecklenburg has agreed to winter irrigation

of the site, and Larry Mettler will allow the District to use his pipeline and to install a temporary pipeline approximately 800 feet west to the Tecklenburg site.

Costs should be minimal. They could include $3,000 for slide gate repair and $2,000 for temporary pipe.

In order for a test to be conducted, water will be needed during the winter. As you know, the water stored by EBMUD disappears on November 5th each year. We do have a right to make direct diversions after December 1st, but it takes a wet winter for such water to be available.

Winter time irrigation of this area would not be simple. Because the County has contracted with the District for use of the South System as a storm drain, drain valves would have to be closed each time the District pumped river water.

Drain water should not be applied for recharge. So, a dry winter, one with no direct diversion water below Camanche, would result in no recharge.

Should a test show the site to be ideal for recharge, the District could approach the owner with a proposal to rent the land for year round recharge.

For budget purposes, we can assume water available for 60 days at a rate of ten acre-feet per day, for a total of 600 acre-feet. This also assumes that we can move 5 cfs through the existing and temporary pipelines.

Power cost for 600 acre-feet would be $9,000. So the total cost might be $14,000.

SOUTH SYSTEM (MICKE GROVE)

The small, one quarter acre sand hole recharge operation could cost $10,000 for a pump and pipeline and another $1,500 for power.

COST SUMMARY

North System

ITEM	COST
Slip 20" PVC into existing concrete pipe (2640 Feet)	$ 54,000
12" PVC Laterals to existing drip systems (5500 Feet)	110,000
4 Booster Pumps	80,000
Total	$244,000

South System (Hammer)

ITEM	COST
Rent (12 months)	$12,000
Tractor Work	3,000
Power 400 Acre - Feet @ $15	6,000
Total	$21,000

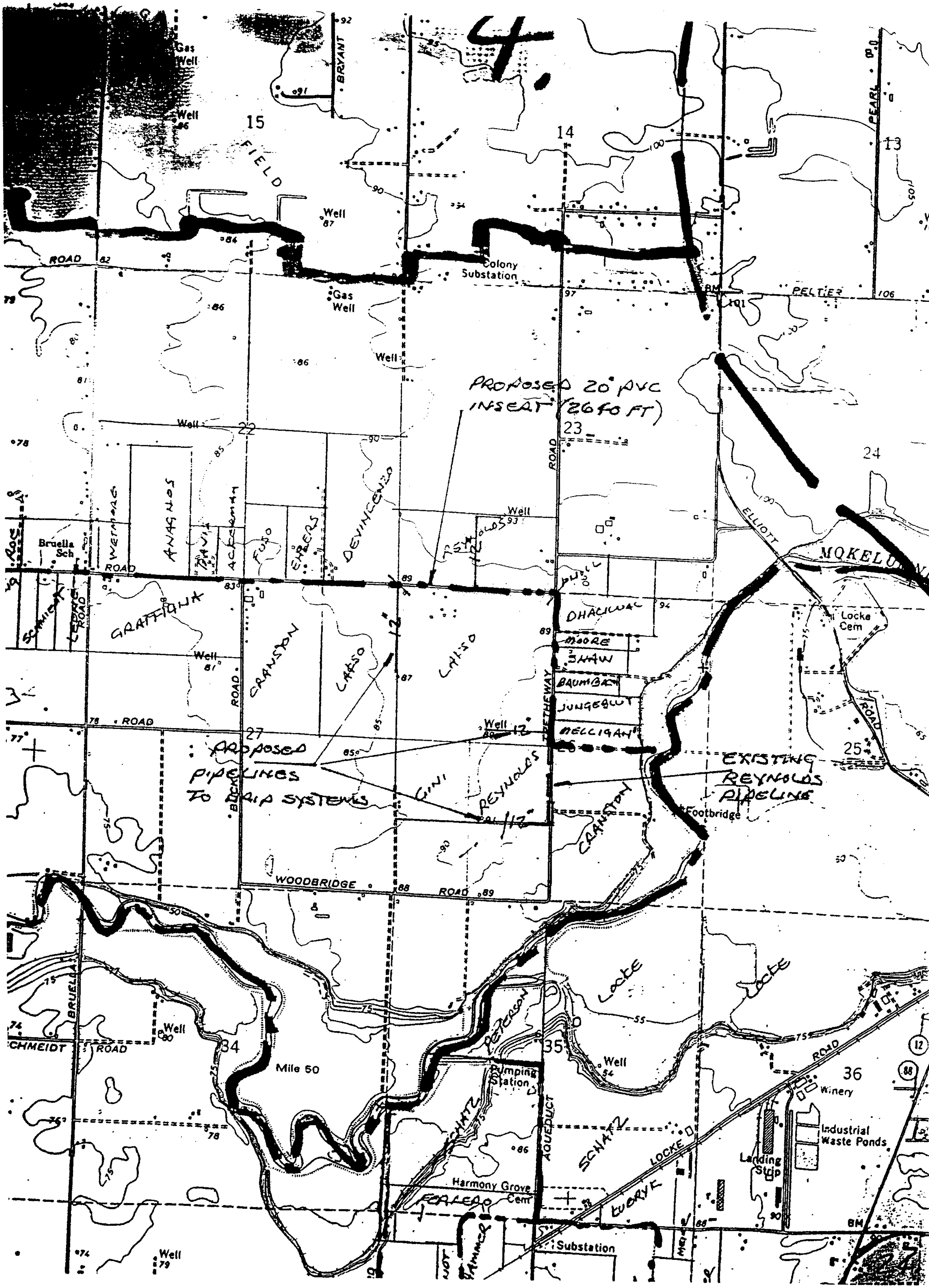
South System (Tecklenburg)

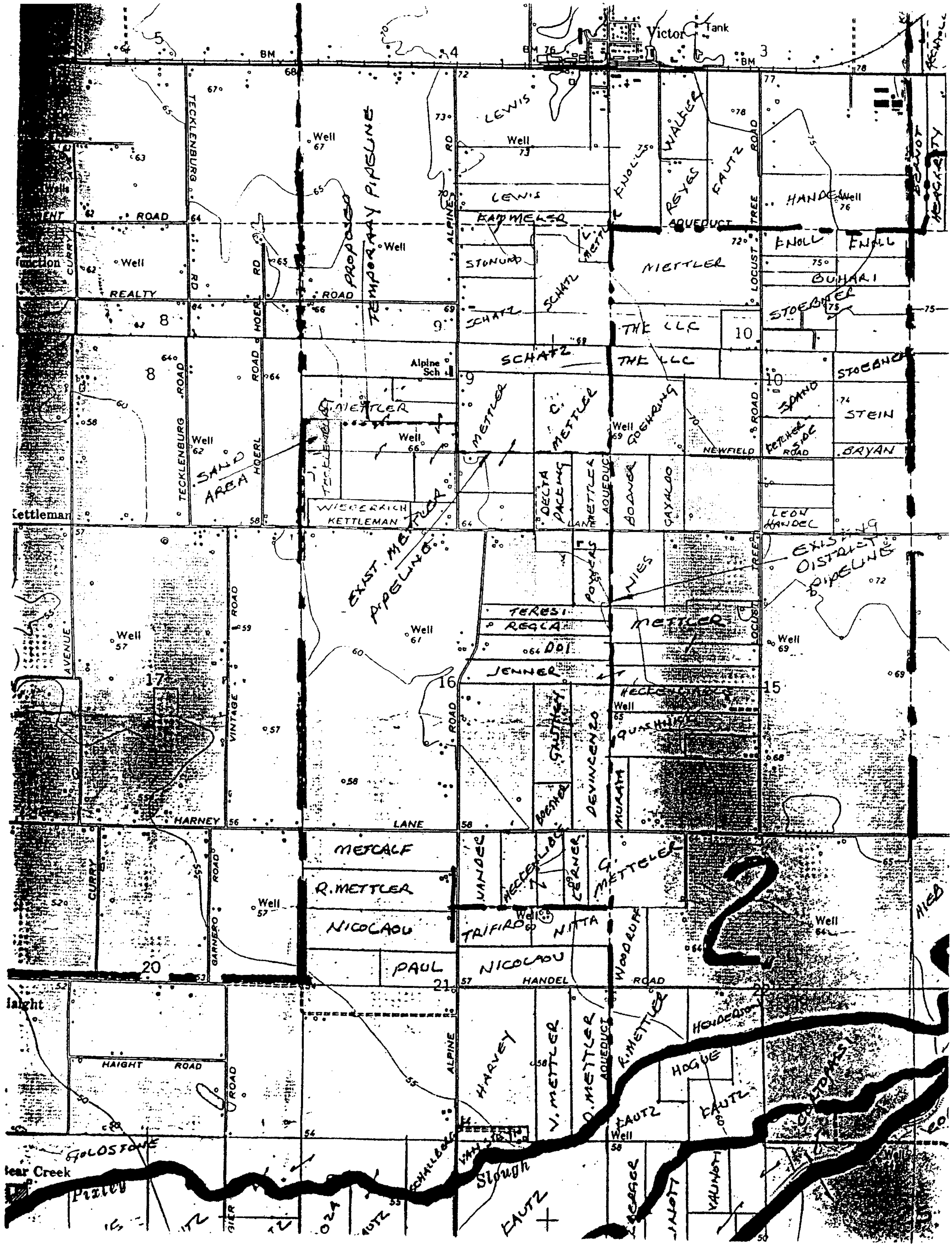
ITEM	COST
Slide Gate Repair	$ 3,000
Temporary Pipeline	2,000
Power 600 Acre – Feet @ $15	9,000
Total	$14,000

South System (Micke Grove)

ITEM	COST
Sump Pump	$ 4,000
Temporary Pipeline	6,000
Power 100 Acre – Feet @ $15	1,500
Total	$11,500

EB/bs


4.
Gas Well
Well
BRYANT
15
14
13
PEARL
FIELD
Well
ROAD
Colony Substation
Gas Well
PELTIER
Well
PROPOSED 20" PVC INSERT (2640 FT)
22
23
24
ROAD
Well
Bruella Sch
ROAD
WETMORE
ANAGNOS
ACKERMAN
FUSO
EHLERS
DEVINCENZO
ELLIOTT
MOKELUMNE
GRAFFIGNA
CRANSTON
CARSO
CARSO
12"
DHALIWAL
MOORE
SHAW
BAUMBACH
JUNGEBLUT
MELLIGAN
Locke Cem
ROAD
27
25
PROPOSED PIPELINES TO DRIP SYSTEMS
GINI
REYNOLDS
EXISTING REYNOLDS PIPELINE
Footbridge
CRANSTON
WOODBRIDGE
ROAD
BRUELLA
SCHMEIDT ROAD
Well
34
Mile 50
PETERSON
35
LOCKE
LOCKE
Pumping Station
Well
36
Winery
Industrial Waste Ponds
Landing Strip
AQUEDUCT
SCHATZ
SCHATZ
LOCKE
Harmony Grove Cem
Substation
Well


Victor
Tank
TECKLENBURG
ROAD
REALTY
CURRY
HOERL
ALPINE
LOCUST TREE
ROAD
Well
LEWIS
WALTER
REYES
FAUTZ
HANDEL
AQUEDUCT
KAMMELER
STONUM
SCHATZ
METTLER
ENOLL
BUHARI
STOEBNER
THE LLC
PROPOSED TEMPORARY PIPELINE
Alpine Sch
SAND AREA
GOEHRING
NEWFIELD
STEIN
BRYAN
WIEDERRICH
KETTLEMAN
LANE
DELTA PACKING
BODNAR
GAYALDO
LEON HANDEL
Kettleman
EXIST. METTLER PIPELINE
EXISTING DISTRICT PIPELINE
NIES
POWERS
TERESI
REGLA
DOI
JENNER
AVENUE
VINTAGE
HARNEY
DEVINCENZO
MURATA
METCALF
R. METTLER
NICOLAOU
TRIFIRO
NITTA
PAUL
WOODRUFF
HANDEL
GARNERO
Haight
HAIGHT ROAD
HARVEY
J. METTLER
D. METTLER
HENDERSON
HOGUE
FAUTZ
GOLDSTONE
Bear Creek
Pixley
Slough
SCHALLBERGER
VALNOTI

PROPOSED BUDGET

12/01/06 – 12/01/07

ITEM	AMOUNT BUDGETED*
Directors	$ 2,000
Watermaster	38,300
Manager	30,000
Laborer	1,000
Payroll Taxes	5,200
Pension & Health	9,000
Water Right	700
EBMUD	6,000
Insurance	10,000
Dues	
ACWA	2,100
GBA	5,000
Audit	1,800
Legal	8,000
Telephone	900
Vehicles	9,000
PG&E	32,000
Recharge	50,000
Supplies	500
Miscellaneous	500
CAL FED	5,000
Repairs	50,000
Total	$267,000

* Wet Year

ESTIMATED REVENUE

ITEM	AMOUNTS
Property Tax	$190,000
Acreage Charge	43,000
Water Sales	25,000
County Drain Fund	10,000
Total	$268,000

PRELIMINARY BUDGET

12/1/05 – 12/1/06

ITEM	AMOUNT

	Wet Year	Dry Year
Funds' Balance 12/1/05	($45,400) *	($45,400) *
Estimated Revenue		
Property Tax		
12/10/05	$ 95,000	$ 95,000
4/10/06	$ 95,000	$ 95,000
Acreage Charge		
12/10/05	$ 22,000	$ 22,000
4/10/06	$ 22,000	$ 22,000
Water Sales		
12/1/05 – 4/1/06	$ 12,000	$ 12,000
4/1/06 – 12/1/06	$ 37,000	0
Total Revenue	$283,000	$246,000
Total Funds Available	$237,600	$200,600

* ($71,400) at County plus $26,000 in Watermaster account.

Estimated Expenses	Wet Year	Dry Year
Directors	$ 2,000	$ 2,000
Watermaster	$38,300	$38,300
Manager	$30,000	$30,000
Laborer	$ 1,000	0
Payroll Taxes	$ 5,000	$ 5,000
Pension & Health	$11,000	$11,000
Water Right	$ 700	$ 700
EBMUD		
2005	$ 3,000	---
2006	$ 3,000	0
Insurance	$20,000	$20,000
Dues		
ACWA	$ 2,100	$ 2,100
GBA		
Year 2005	$ 5,000	$ 5,000
Year 2006	$ 5,000	$ 5,000

Audit	$ 3,500	$ 3,500
Legal	$ 5,000	$ 5,000
Telephone	$ 900	$ 900
Vehicles	$ 9,000	$ 7,000
PG&E	$32,000	$ 2,000
Recharge		
Hammer		
Rent	$12,000	$12,000
Discing etc.	$ 3,000	$ 1,000
Hoffman		
PG&E	$ 3,000	$ 3,000
Lakso		
PG&E	$ 3,000	0
CAL FED		
Monitoring	$10,000	$ 2,000
Total Expenses	$207,000	$155,500
Available for Repairs **	$ 30,000	
Available for Contingences and Micke Grove Recharge		$ 45,100

** Expended $40,400 during 2005 for repair and maintenance

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

June 28, 2005

TO: Directors

FROM: Manager Steffani

SUBJECT: Acreage Charge – Recharge

I am writing to report on District groundwater recharge investigations for the period of 7/1/04 thru 6/28/05 and to discuss recharge operations for the next year.

Recharge investigations and/or operations have been or will be accomplished on the following ownerships identified by number and located on the enclosed map:

1. Lakso
2. Schallberger
3. Hoffman
4. Costa
5. Nakagawa
6. Hammer
7. Kautz
8. Micke Grove

LAKSO

No water was applied this year because of the heavy and late rain and because of potential conflicts with farming operations.

SCHALLBERGER

This project began with limited flow on June 27, 2005.

Assuming an average recharge rate of 2 acre-feet per day for 300 days, some 600 acre-feet will be recharged.

HOFFMAN

Approximately 160 acre-feet were recharged during 2004-2005. It is possible that 150^{+} acre feet will be recharged during 2005-2006.

COSTA

This site is waiting for final approval by the State Regional Water Quality Control Board.

NAKAGAWA

Approximately 100 acre-feet were recharged during July and August 2004. It is possible that some water will be recharged this year.

HAMMER

Test flows commenced during the week of June 12, 2005. Assuming recharge of 5 acre-feet per day and operation for 200 days, approximately 1,000 acre feet will be recharged.

KAUTZ

Approximately 114 acre feet were recharged during July and August 2004. This temporary project has been terminated.

ESTIMATED 2005-2006 EXPENDITURES

PROJECT	EXPENDITURE
LAKSO	$ 0
SCHALLBERGER	$14,720
HOFFMAN	$ 2,400
COSTA	$ *
NAKAGAWA	$ 0
HAMMER	$ 34,000
KAUTZ	$ 0
MICKE GROVE	$ 0**
Total	$51,120

* Costs will be covered by CAL FED Grant

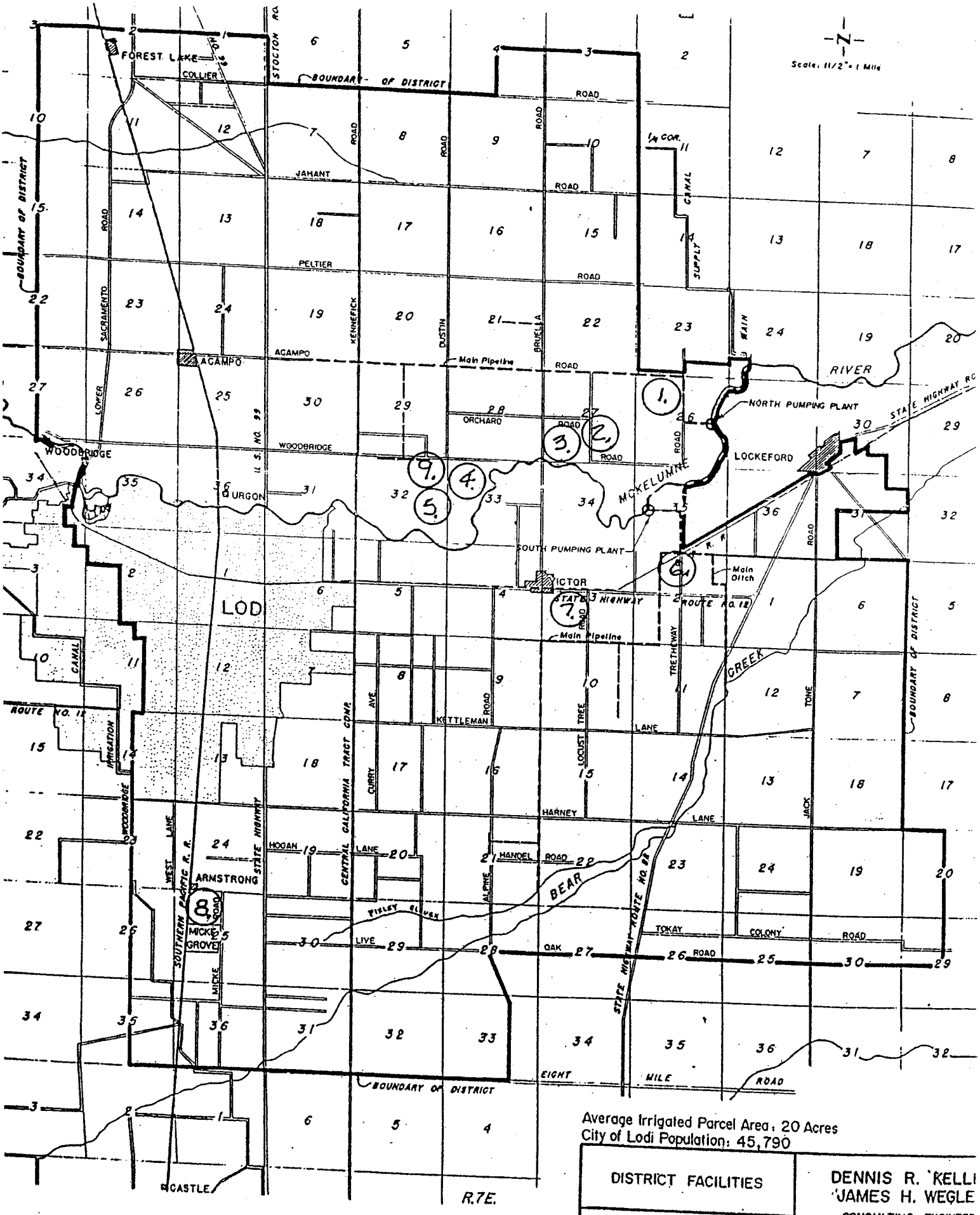
** Costs assumed to be covered by Farmington Recharge funds

Please note that acreage charge revenue totaled $45,000+ for 2004-2005.

Sincerely,

Ed Steffani
General Manager

ES/bs



Scale: 11/2" = 1 Mile

Average Irrigated Parcel Area: 20 Acres
City of Lodi Population: 45,790

DISTRICT FACILITIES

Drawn By: T. Simpson
Approved By: James F. Sorensen
C.E. No. 6833 Date: May 28, 1982

DENNIS R. KELLI
JAMES H. WEGLE
CONSULTING ENGINEER
209 SOUTH LOCUST STR
VISALIA, CALIFORNIA 93291 209

QUIN WATER CONSERVATION DISTRICT LODI, CA.

Revised June, 1987

Resolution 05-___

WHEREAS, the North San Joaquin Water Conservation District is required to consider a budget for expenditure of Acreage Charge revenue and to fix an assessment at a public hearing conducted no later than July 31 in accordance with Water Code Section 75480 et. Seq., and;

WHEREAS, the North San Joaquin Water Conservation District Board of Directors has considered the budget for 2005-2006 expenditure of Acreage Charge revenue shown on the attached Exhibit A to this resolution, and has considered all public input received at the public hearing on July 6, 2005;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of North San Joaquin Water Conservation District that the Acreage Charge Budget attached as Exhibit A to this resolution be adopted, that the Acreage Charge Assessment for 2005-2006 be fixed at $1 per acre without regard to property valuation for groundwater recharge projects for the original District area existing prior to the 2004 annexation, by the following vote:

DATED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____
Fred Weybret
President

ATTEST:

_____
Ed Steffani
Secretary

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BUDGET
ACREAGE CHARGE
2005-2006

Proposed Expenditure

Recharge Project		Amount	
Hoffman			$ 2,400
Schallberger			
Rent		$ 2,720	
Earthwork		$ 1,000	
Material and Labor		$ 2,000	
Power		$ 9,000	
	Total	$14,720	$14,720
Hammer			
Rent		$12,000	
Earthwork		$ 3,000	
Power		$15,000	
Material and Labor		$ 4,000	
	Total	$34,000	$34,000
	Grand Total		$51,120*

* $45,000 from acreage charge and $6,120 from normal property tax revenue

Resolution 05-___

A Resolution of the North San Joaquin Water Conservation District Board of Directors,

WHEREAS, the Elections Code provides that Water Conservation District Directors may be elected by District or at large; and

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the North San Joaquin Water Conservation District that Directors shall be elected (by District or at large).

The vote on this Resolution was as follows;

AYES:

NOES:

DATED:

_____
Fred Weybret
President

_____
Ed Steffani
Secretary

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

December 27, 2004

TO: Directors

FROM: Manager Steffani

SUBJECT: Budget 12/04 – 12/05

I am writing to offer wet and dry year budgets for the period of 12/07/04 to 12/07/05.

ESTIMATED REVENUE

Item	Wet Year	Dry Year
Property Tax	$200,000	$200,000
Water Sales	30,000	0
Acreage Charge	45,000	45,000
Totals	$275,000	$245,000

ESTIMATED BASIC EXPENSES

Item	Wet Year	Dry Year
PG&E	$ 35,000*	$ 6,000
Watermaster	53,600	53,600
Manager	30,000	30,000
Supplies	1,000	1,000
Labor	2,000	0
Telephone	1,000	1,000
Trucks	9,000	9,000
Legal	2,000	2,000
Directors	2,000	2,000
Audit	1,800	1,800
Dues, etc.	2,000	2,000
Contingencies	20,000	10,000
Total	$159,400	$118,400

*Assumes 2,000 AF Irrigation at $17.50 per Acre Foot

SUMMARY

Item	Wet Year	Dry Year
12/07/04 Balance	$ - 45,000	$ -45,000
Revenue	275,000	245,000
Expenses	159,400	118,400
Available for Recharge Projects	70,600	
Available for 2006		$ 81,600

Assuming a wet year, you must decide how the $70,600 recharge fund should be used.

Also assuming no outside funding except for the CAL FED grant, the following recharge projects appear to be viable.

Project	Acre Feet	Cost	
		Item	Amount
Hoffman	400	PG&E	$ 7,000
Lakso	100	PG&E	1,750
Hammer	2000	Rent	12,000
		Earthwork	5,000
		PG&E	35,000
Totals	2500		$ 60,750

As of this writing, I have not heard from John Kautz. I don't know if $20,000 rent would be charged for 2006.

I have asked the Corp's consultants if Farmington Recharge money may be available to fund the Hammer and Kautz projects during 2005, and I was told that both projects may be funded. They hope to have more information within a month.

Until we hear about possible Farmington Recharge funding, I suggest that we focus on the Hoffman and Lakso projects. Should the Hammer and Kautz projects receive Federal funds, we could add the neighboring property to the Hoffman project, and could look for other potential recharge sites.

I continue to work with Federal and State agencies on the environmental issues associated with the CAL FED project, and I hope that we will at least be able to complete construction during 2005. With a little help from God, we might even start recharge during 2005.

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

June 21, 2004

TO: Directors

FROM: Manager Steffani

SUBJECT: Acreage Charge – Recharge

I am writing to report on District groundwater recharge investigations for the period of 7/1/03 thru 6/21/04 to discuss possible recharge operations for the next year, and to present information on possible outside funding.

CURRENT INVESTIGATIONS

Recharge investigations have been accomplished on the following ownerships identified by number and located on the enclosed map:

1. Lakso
3. Hoffman
4. Costa
5. Nakagawa
6. Hammer
7. Kautz

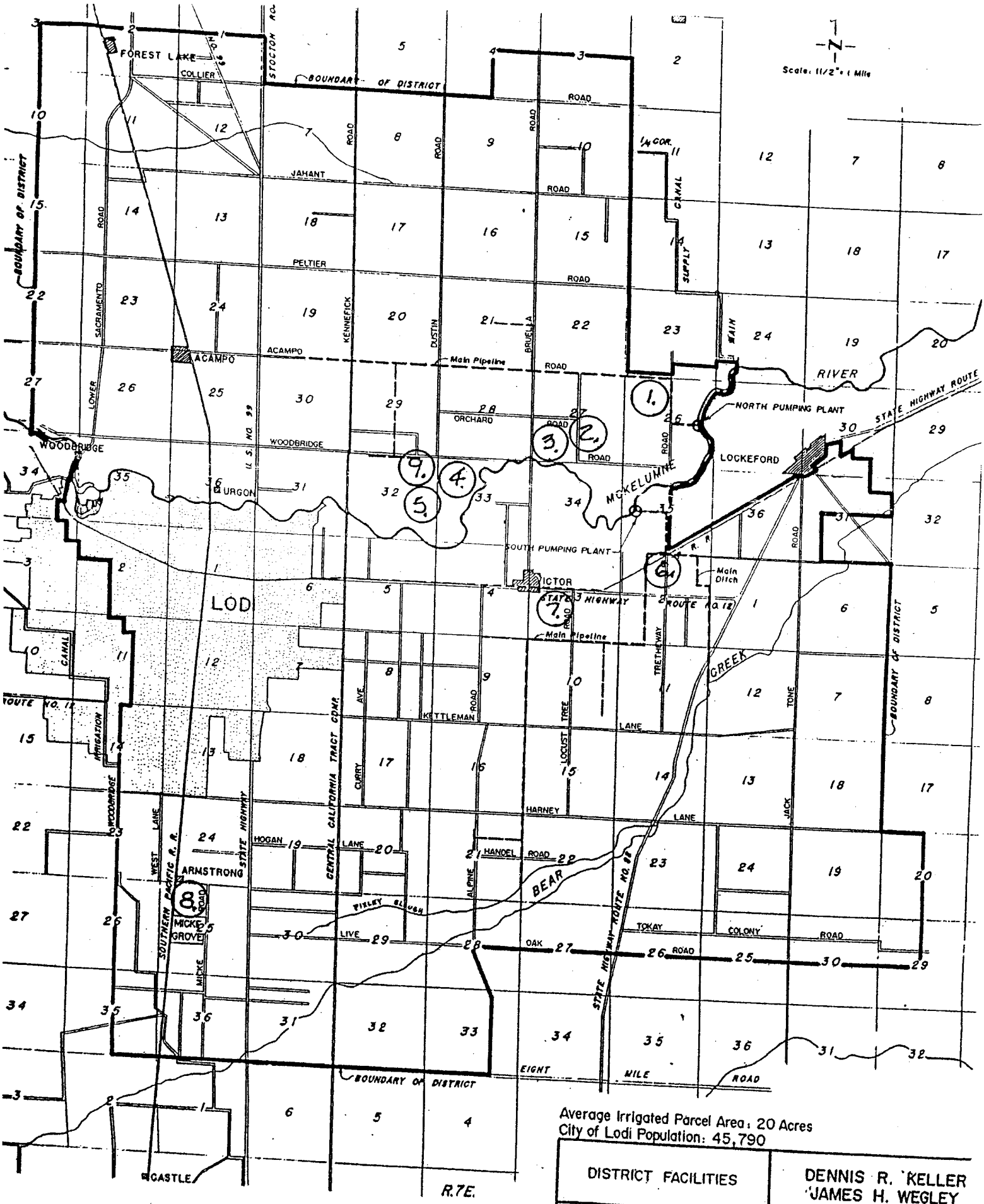
LAKSO

This was a wintertime irrigation of vineyard using District water diverted at the North pumping station and conveyed through the north distribution system. Water was diverted when there was flow from Murphy Creek into the Mokelumne River immediately below Camanche Dam.

Recharge was conducted on and off from 1/9/04 to 3/13/04. A total of 118 acre-feet was recharged. The only cost was for power. At an estimated $15 per acre-foot for power, total costs were $1770.

An estimated one acre of vineyard was wetted, with a flow of 4 acre-feet per day, for a recharge rate of 4 feet per day.

This operation will be resumed as soon as the grape vines have become dormant and as water is available.



Scale: 11/2" = 1 Mile

Average Irrigated Parcel Area: 20 Acres
City of Lodi Population: 45,790

IIN WATER CONSERVATION DISTRICT LODI, CA.

Revised June, 1987

DISTRICT FACILITIES

Drawn By: T. Simpson
Approved By: James F. Sorensen
C.E. No. 5935 Date: May 28, 1982

DENNIS R. KELLER
JAMES H. WEGLEY
CONSULTING ENGINEERS
209 SOUTH LOCUST STREET
VISALIA, CALIFORNIA 93291 209-73

HOFFMAN

Also a wintertime irrigation, this project was provided water by a riparian pump able to deliver 1000 gpm, or 2.2 cfs, or 4.4 acre-feet per day. This investigation was conducted on and off, from 2/7/04 until 3/1/04. Approximately 120 acre- feet were recharged.

An estimated one acre of vineyard was wetted with a flow of 4.4 acre-feet per day, for a recharge rate of 4.4 feet per day.

Costs included $15 per acre-foot for pumping and a capital expenditure of $5590 to repair the pump. Assuming a 10 year life for the repairs and total annual recharge of 500 acre-feet, the recharge cost will be approximately $17 per acre-foot. This cost and others reported for investigations commenced are for comparison purposes only. Please see the cash basis summary of costs for 03-04 and the budget for 04-05.

COSTA

A short term test was conducted from 7:00 A.M. 11/13/03 to11:00 A.M. on 11/14/03, using an existing well delivering 6.6 acre-feet per day to a wetted vineyard area of 1.24 acres, for a recharge rate of 5.8 feet per day. Property owner, Costa, donated the power cost, so there were no costs for the District.

Please note that this was conducted on a portion of the land to be used for the CAL FED project discussed at the end of this memo.

NAKAGAWA

A five acre area was rented for a test on "bottom land" located approximately 0.5 mile from the river. Three monitoring wells were installed to measure ground water levels before and after recharge to determine direction of flow of groundwater.

Water was delivered at a rate of 3 cfs by a riparian pump through the property owner's irrigation system. An estimated 5 acre wetted area received 6 acre-feet per day for a recharge rate of 1.2 feet per day. Approximately 40 acre-feet were recharged during the period of 9/11/02 to 2/10/03.

No water has been pumped since early 2003 because of agricultural activities and because of a failed pump. The District participated in the replacement of the pump, and expects the recharge operation to be resumed shortly.

Costs have included land rental at $4000 per year, power at $15 per acre-foot, and pump replacement at $4570.

Assuming 100 days of recharge per year, a 10 year life for the pump, and $15 per acre-foot for power, the total cost would be approximately $23 per acre-foot.

Monitoring well data show that groundwater continues to move away from the river during recharge, at least for the moderate quantities recharged to date.

HAMMER

A one acre area was tested during the last few weeks with approximately 20 acre-feet of water delivered directly from the District's south distribution system.

Preliminary results show a recharge rate of 6 feet per day.

Assuming rental of 5 acres with a 10 year life for improvements, installation of three monitoring wells, addition of a second turn-out ($5,000), earthwork ($3,000), and a long term recharge rate of 3 feet per day for an average of 100 days per year, the recharge cost would be approximately $21 per acre-foot.

KAUTZ

A 25 acre area has been rented for a two year period ending in the fall of 2005. Water was delivered during 2003 from the District's south distribution system through an old 10-inch concrete pipeline which restricted flow to less than 1cfs. An estimated total of 84 acre feet were recharged.

2,000 feet of 20-inch PVC pipeline have been installed on the ground surface, and we hope to soon deliver up to 10 acre-feet per day to the southerly 12 acres. We have had leakage problems with the new pipe and the old District system and can't be sure of how much head will be available to force water through the 20-inch PVC.

This has been a relatively expensive project. Ripping, earthwork, rental, pipe, and laboratory costs may reach a total of $50,000. Assuming recharge of 5 acre-feet per day for 120 days this year, and for 200 days next year, the total recharge cost would be approximately $32 per acre foot.

03-04 EXPENDITURES

PROJECT	EXPENDITURE
LAKSO	$ 1,770
HOFFMAN	$ 7,390
COSTA	$ 0
NAKAGAWA	$ 9,170
HAMMER	$ 300
KAUTZ	$25,000
Total	$43,630

Please note that acreage charge revenue totaled $45,000+ 2003-2004.

PROPOSED INVESTIGATIONS

At least three new investigations are proposed for the next twelve months. They are the following ownerships identified by number and located on the enclosed map.

2. Shellburger
8. Micke Grove
9. Costa, Manassero, Nakagawa

SHELLBURGER

Up to 5 acres of open land may be available. Riparian water could be provided by the Hoffman pump through an existing and extended Hoffman distribution system.

Assuming delivery of 4.4 acre-feet per day and a conservative estimated recharge rate of 2.2 acre-feet per day, a two-acre site would be required. Also assuming water would be available for 200 days each year, some 800 acre-feet could be recharged annually.

Costs would include land rental at $1600 per year, pipeline extension at $4000, earthwork at $2,000, and monitoring wells at $6000. Assuming a 10-year life for the pipeline, wells and earthwork, and allowing $15 per acre-foot for power, the total recharge cost would be approximately $19 per acre-foot.

MICKE GROVE

The new Ag Museum at Micke Grove includes a "sand hole" drainage pond and a proposed 5 acre lake. District water could be provided for recharge from Pixley Creek via a new pump at the Creek and an extension to the Park's drainage system.

Assuming a very conservative recharge rate of 4 feet per day, the existing sand hold could accept 1 acre-foot per day. Future lake could recharge 10 acre-feet per day, assuming a 2 feet per day rate.

Assuming pump and pipeline costs of $30,000 and an average operation of 200 days per year, the sand hole recharge cost would be $30 per acre-foot, and the lake recharge would be $17 per acre-foot.

COSTA, MANASSERO, NAKAGAWA

The District has contracted with the USBR for a $500,000 grant demonstration recharge project for a 10 acre site including land from each of three owners. As you know, the District is now waiting for USBR approval of the environmental documentation and for SWRCB approval of a new diversion site for a new pump on the river.

Hopefully, approvals will be received in time for the project to begin this year.

It is proposed that 1,000 acre-feet per year be recharged and that half the recharged water be extracted for return to the river in dry years.

OUTSIDE FUNDING

I have learned that Farmington Recharge project monies may be available to fund recharge investigations up to $40,000 per site.

I toured the above sites with Corps consultant, Montgomery Watson on 6/14/04, and I was encouraged to believe that some monetary help is a good possibility. I was told that $400,000 is available for 10 sites and that only 5 sites have been selected so far within SEWD.

CONCLUSION

Hopefully, the above material demonstrates how the District has been and will be fulfilling its obligation to expend acreage charge revenue (currently $45,000 annually) wisely and productively.

Sincerely,

Ed Steffani
General Manager

ES/bs

Resolution 04-___

WHEREAS, the North San Joaquin Water Conservation District is required to consider a budget for expenditure of Acreage Charge revenue at a public hearing conducted no later than July 31, and;

WHEREAS, the North San Joaquin Water Conservation District Board of Directors has considered the budget for 2004-2005 expenditure of Acreage Charge revenue shown on the attached Exhibit A to this resolution, and has considered all public input received at the public hearing on July 6, 2004;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of North San Joaquin Water Conservation District that the Acreage Charge Budget attached as Exhibit A to this resolution be adopted by the following vote:

DATED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____
Fred Weybret
President

ATTEST:

_____
Ed Steffani
Secretary

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BUDGET
ACREAGE CHARGE
2004-2005

Proposed Expenditure

Recharge Project	Amount	
Lakso (300 acre feet)		
power	$4,500	$4,500
Hoffman/Shellburger (800 acre feet)		
rental	$1,600	
pipeline	$4,000	
earthwork	$2,000	
monitoring wells	$6,000	
power	$12,000	
Total	$25,600	$25,600
Nakagawa (600 acre feet)		
power	$9,000	
misc.	$1,000	
Total	$10,000	$10,000
Hammer (1,500 acre feet)		
rental	$4,000	
turn-out	$5,000	
earthwork	$3,000	
power	$22,500	
Total	$34,500	$34,500
Kautz (600 acre feet)		
rental	$20,000	
power	$9,000	
misc.	$4,000	
Total	$33,000	$33,000
Grand Total		$107,600*

* $45,000 from acreage charge and $62,600 from normal property tax revenue

EXHIBIT A

NSJ-30

Farmington
Groundwater Recharge Program

DRAFT

TECHNICAL MEMORANDUM

FARMINGTON GROUNDWATER RECHARGE PROGRAM

PRELIMINARY CONCEPTUAL IN-LIEU RECHARGE POTENTIAL

MICKE GROVE PARK

Contract No. DACW05-01-D-0013

Prepared for:

US Army Corps
of Engineers
Sacramento District

STOCKTON EAST WATER DISTRICT

SEPTEMBER 2006

DRAFT

Technical Memorandum
Farmington Groundwater Recharge Program
Preliminary In-Lieu Recharge Potential
Micke Grove Park

September 2006

Prepared for:

U.S. Army Corps of Engineers
Stockton East Water District

Prepared by:

Sevim Onsoy, MWH

Reviewed by:

Chris Petersen, MWH
Emily McAlister, MWH

File No. 1511166.031814

Introduction

This technical memorandum (TM) describes a preliminary conceptual design for in-lieu recharge potential at Micke Grove Park (MGP) and the golf course located south of MGP, and summarizes various aspects of an in-lieu recharge evaluation study, including existing conditions at MGP, available surface water supplies, and other design and implementation issues. The preliminary design presented in this TM is intended to provide MGP representatives with a better understanding of how in-lieu recharge may be developed at MGP.

This TM satisfies Task 6.3 (Demonstration Preparatory Activities – Micke Grove Park Site) of United States Army Corps of Engineers (USACE) Contract No. DACW05-01-D-0013, Task Order 001 for the Farmington Groundwater Recharge Program.

The content of this TM is organized into eight major sections, briefly described below:

Introduction – Describes the purpose of the TM and its organization.

Background – Provides a general overview of activities related to groundwater recharge at MGP.

Groundwater Recharge Opportunity – Provides estimation of potential in-lieu opportunity at MGP and the golf course.

In-Lieu Recharge Evaluation – Presents available information on existing water distribution system and system demand at MGP and an overview of local hydrogeologic and water quality conditions.

Preliminary In-Lieu Recharge Design Layout – Presents the proposed preliminary conceptual in-lieu recharge design for MGP and the golf course and discusses facilities required to deliver surface water to MGP.

Cost Summary – Provides estimation of energy costs of groundwater and surface water and total energy savings with in-lieu recharge at MGP and the golf course.

Future Considerations and Recommendations – Lists additional considerations and recommendations before implementation of in-lieu recharge at MGP and the golf course.

Next Steps – Describes the next step if a decision is made to move forward with the proposed in-lieu recharge project at MGP and the golf course.

References – Contains sources used to compile this TM.

Background

MGP is located approximately 1/2 mile west of Highway 99, within North San Joaquin Water Conservation District (NSJWCD), in eastern San Joaquin County (County), California (**Figure 1**). MGP is currently owned by the County. It is bordered by East Armstrong Road to the north, North Micke Grove Road to the east, and North Pearson Road and railroad tracks to the west. A golf course located south of MGP is owned by the County and currently managed by American Golf Operation (**Figure 2**).

Currently, groundwater is being pumped at MGP for irrigation and domestic purposes. At the golf course, groundwater is being pumped only for irrigation. Domestic demand at the golf course is supplied by MGP. Recently the County prepared a Master Plan to develop the northern portion of MGP site by adding a lake and a farming equipment museum (**Figure 2**). The design for these additions is expected to be completed by October 2006. According to the County's Master Plan, the lake would be approximately 3 acres in size and have a depth of 9 to 10 feet. The lake is intended for recreational use (e.g., paddleboats, fishing) and water would be supplied to the lake year-round. The proposed water source to be used to maintain desired water levels in the lake is a nearby agricultural well, located approximately 1,000 feet northwest of the lake. The County's Master Plan design for the lake would include a "clay liner" to limit water loss via leaching, and to maintain minimum water levels.

In 2004, MGP was selected as a potential groundwater recharge site for the Farmington Groundwater Recharge Program (Program), funded by USACE and local sponsor Stockton East Water District (SEWD). In 2005, USACE and SEWD evaluated the feasibility of artificial direct recharge at MGP for a joint recreation/recharge facility at the 3-acre lake. During the initial site screening (Stage 1 in the Program), readily available pertinent documentation was reviewed regarding past and current land use activities, and a site reconnaissance was completed at MGP according to procedure described in the Farmington Groundwater Recharge Program Manual (USACE, 2004). Findings were reported in a Phase I Environmental Site Assessment (USACE, 2005a). Based on favorable evaluation results from Stage 1, MGP was advanced to Stage 2 in the Program (Pilot-Scale Recharge Testing, formerly Field Investigation). A work plan was prepared to outline the scope, schedule, and nature of pilot recharge testing activities at MGP (USACE, 2005b). At that time, direct artificial recharge using a joint recreation/recharge facility at the lake appeared to be technically infeasible based on potential conflicts related to the proposed clay liner at the bottom of the lake, future recreational activities at the lake, and operation and maintenance of the lake. Therefore, pilot recharge test activities were not conducted. It was recommended that the County proceed with its Master Plan without a recharge facility. More recently, Program representatives began evaluating the feasibility of in-lieu recharge at MGP and the golf course located south of MGP. In-lieu recharge is one of the groundwater recharge techniques applied in the Program. The concept of in-lieu recharge at MGP is based on the use of surface water for landscape irrigation "in-lieu" of using groundwater.

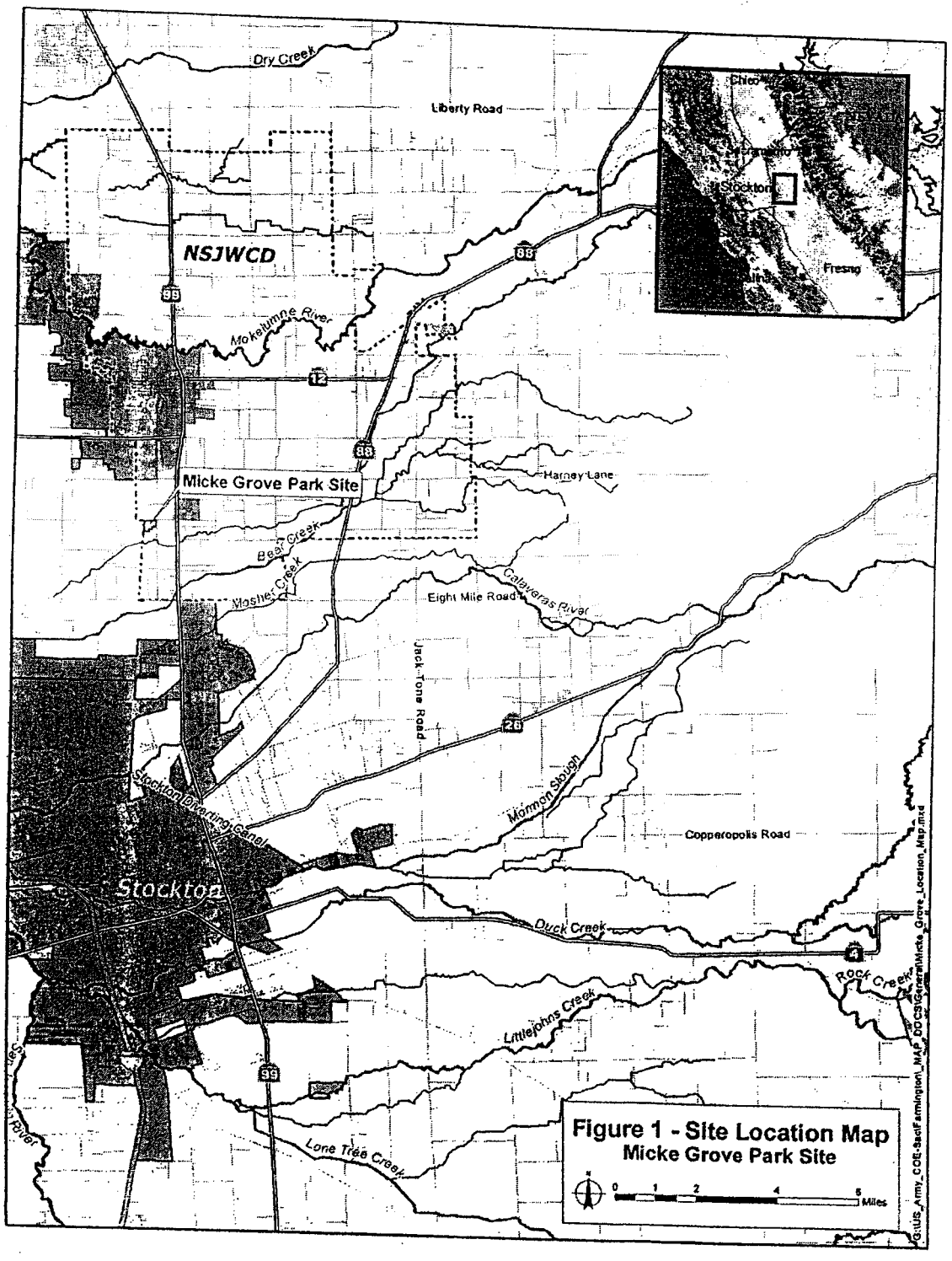


Figure 1. Location of Micke Grove Park In-Lieu Groundwater Recharge Site

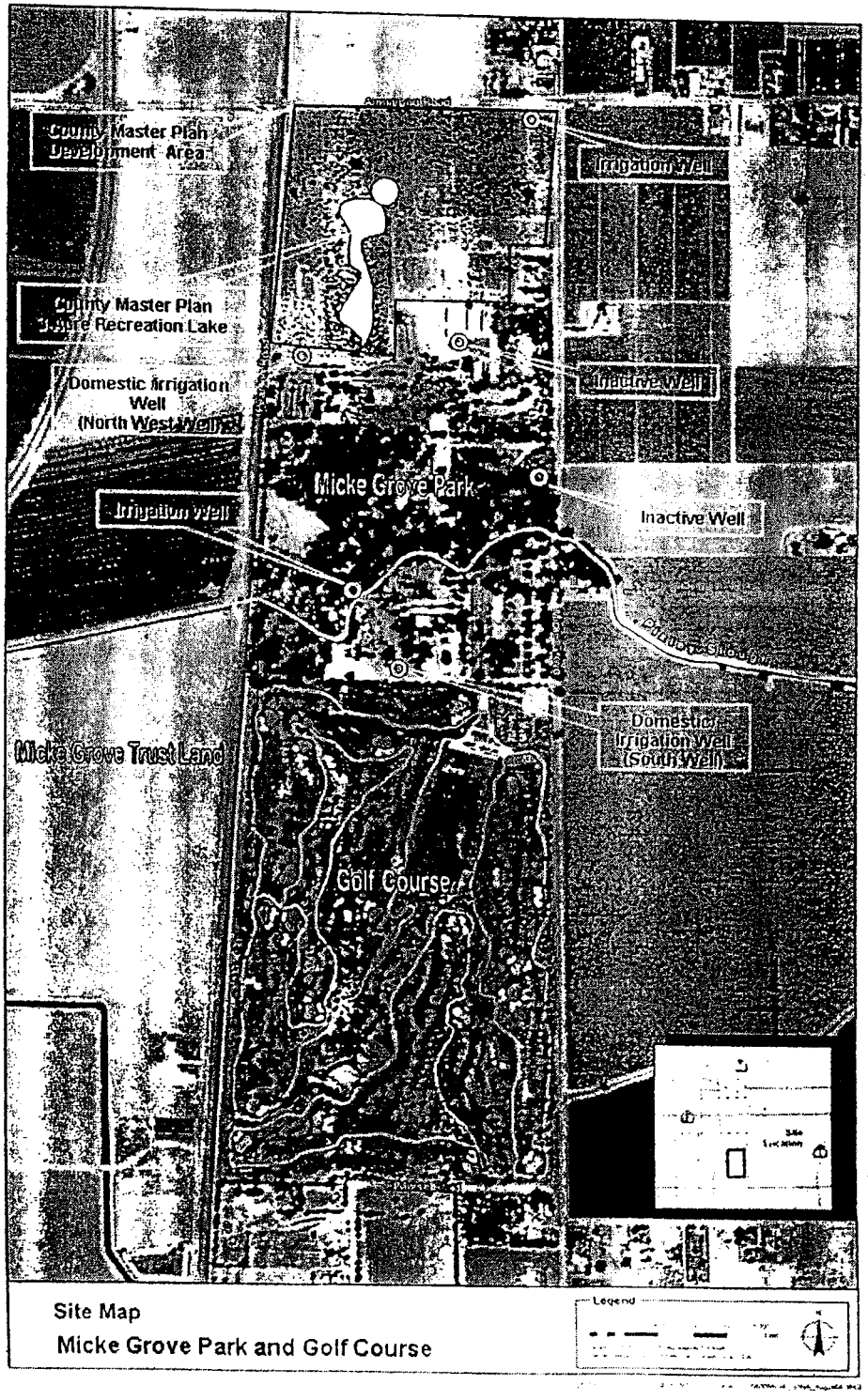


Figure 2. Micke Grove Park and Golf Course In-Lieu Groundwater Recharge Site

Groundwater Recharge Opportunity

MGP has a groundwater supply system composed of agricultural and production wells. Annual groundwater pumping to irrigate approximately 60 acres of turf at MGP is estimated to range from 180 acre-feet to 210 acre-feet. Once the County's Master Plan is implemented, groundwater demand at MGP would increase to maintain water levels in the proposed 3-acre lake and to meet irrigation demand for approximately 15 acres of land around the lake.

At the golf course, groundwater is being pumped to irrigate approximately 100 acres of turf. Annual irrigation demand at the golf course is estimated to be about 350 acre-feet. Groundwater is pumped using an irrigation well, located within the golf course along Micke Grove Road, and stored in several ponds connected underground before being distributed within the golf course.

Overall, the in-lieu recharge opportunity at MGP, combined with the golf course, can supply more than 610 acre-feet of surface water annually, thus leaving an equivalent amount of groundwater in storage for later use during dry periods. In 10 years, total in-lieu groundwater recharge would exceed 6,000 acre-feet (**Figure 3**).

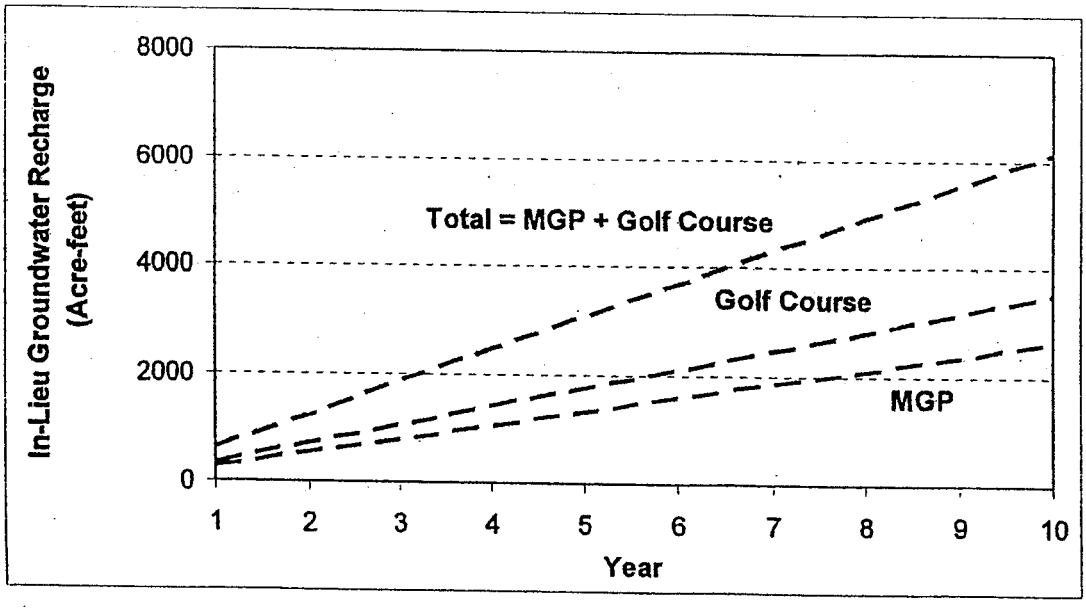


Figure 3. In-Lieu Recharge Potential at Micke Grove Park and Golf Course

Implementation of the in-lieu recharge project proposed for MGP and the golf course could offer the following benefits:

- The project would result in a net increase in groundwater supply, which would be available for extraction during dry periods.
- The project would provide an opportunity for the County to collaborate with the Program in the future.
- Groundwater pumping cost at MGP and the golf course would be reduced significantly during wet periods due to reduced pumping.
- In-lieu recharge at MGP would increase public education and awareness about the Program.

In-Lieu Recharge Evaluation

During the evaluation of in-lieu recharge option at MGP, surface water purveyors in the area, namely NSJWCD, Woodbridge Irrigation District (WID), and the City of Lodi, were contacted to discuss long-term water supply reliability (timing and availability), institutional considerations regarding surface water conveyance, and cost of surface water that could potentially be used for in-lieu recharge at MGP. On August 10, 2006, a meeting was convened with MGP representatives to explain the concept of in-lieu recharge, discuss available surface water for in-lieu recharge, and gather information about the existing water distribution system and current system demand at MGP. Records of earlier correspondence with the water purveyors (meeting agendas and phone correspondence) and MGP representatives are presented in **Attachment A.** The preliminary conceptual in-lieu recharge design presented in this TM was developed based on findings from previous discussions, and correspondence with the surface water purveyors and MGP representatives.

The following two sections describe the existing conditions related to in-lieu recharge and the proposed preliminary conceptual in-lieu recharge design. Energy costs of groundwater and surface water are also summarized. At the end of this TM, future considerations and recommendations are provided regarding the preliminary conceptual in-lieu recharge design.

Existing Conditions

This section describes existing conditions for the water distribution system and system demand at MGP, local hydrogeology and water quality, and surface water availability.

Existing Water Distribution System

Currently, MGP has a water supply system that is composed of six production and irrigation wells (**Figure 2**). Of these, two wells, North West Well and South Well, are used for both domestic and irrigation supply. The North West Well is located on the west along Pearson Road, and South Well on the southeast of MGP adjacent to the golf course. In addition, two irrigation wells are located within MGP: one is located near Pixley Slough and used to irrigate park grounds and the other is an old agricultural well located northeast of MGP within the County's Master Plan development area (**Figure 2**). These domestic and irrigation wells are active and interconnected underground by an irrigation pipeline. Based on the records provided by MGP representatives, these wells yield from 115 gallon per minute (gpm) to 517 gpm. In addition to wells currently being used, two more wells are present but inactive. Locations of the wells shown in **Figure 2** are approximate; accurate locations should be determined based on field survey.

MGP currently has a pressurized water distribution system for providing water for irrigation and domestic purposes. The existing water distribution system at MGP is shown in **Attachment B** based on a drawing provided by MGP representatives. The existing irrigation and domestic pressurized distribution network was built as one unit. Cross-connections between the irrigation and domestic systems are not of concern since groundwater is the only source water for both uses.

Local Hydrogeology and Water Quality

Ground surface elevations range from approximately 37 feet above mean sea level (msl) in the southwestern portion of MGP to approximately 40 feet above msl in the northeastern portion of MGP (USGS, 1976). Local and regional hydrogeologic and water quality conditions were previously reviewed based on data available, and findings were reported in the Phase I Environmental Site Assessment (USACE, 2005). Historical trends observed at a nearby California Department of Water Resources (DWR) monitoring well (approximately 0.7 miles northeast of MGP) show that groundwater levels have been in a state of long-term decline (**Figure 4**). This trend is consistent with the regional groundwater depression observed in other areas of the eastern San Joaquin basin. Decreasing trends in groundwater levels also suggest that in-lieu recharge at this location would result in a net increase in groundwater supply.

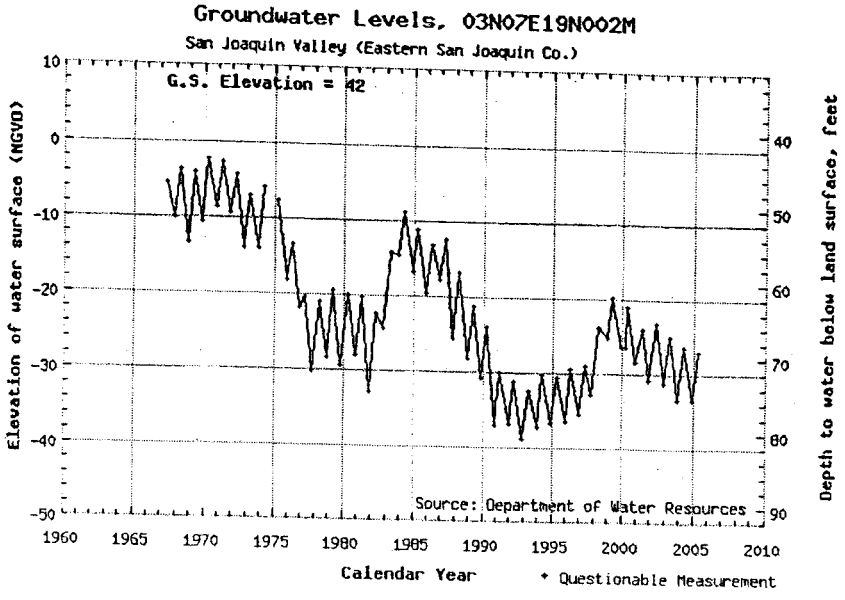


Figure 4. Historical Groundwater Elevation Data for DWR Monitoring Well 03N07E19N002M

Surface Water Supply

As mentioned above, the surface water purveyors, NSJWCD, WID, and the City of Lodi, were contacted during the evaluation of in-lieu recharge at MGP and the golf course. Information related to long-term water supply reliability (timing and availability), institutional considerations regarding surface water conveyance, and cost of surface water were gathered through meetings and correspondence with the surface water purveyors. Records of earlier correspondence with the water purveyors (meeting agendas and phone correspondence) are presented in **Attachment A** and key findings are summarized in **Table 1**.

Considering the current understanding of surface water supply conditions, including water availability and cost of water, Pixley Slough water provided by NSJWCD appears to be feasible for in-lieu recharge at MGP and the golf course. NSJWCD could provide water in Pixley Slough from April through November in all years except drought years.

Table 1. Summary of Surface Water Conditions

Surface Water Purveyor	Advantages	Disadvantages
NSJWCD	Higher willingness of participation.	Reliability of surface water supply during irrigation seasons and dry periods is uncertain.
	Most cost-effective.	
	Water can be diverted from Pixley Slough.	
	Less additional water conveyance system required compared to the options below.	
WID	Existing infrastructure may be used to divert water from WID South Canal.	Competing interests for available water exist between MGP and WID customers. Priority would be given to existing WID customers.
		Cost of water is currently unknown.
		Water conveyance system extension under railroad may be required.
City of Lodi	Long-term reliability: 6,000 AF/yr may be available March-October over 38 years.	May not be cost-effective.
		Water conveyance system extension under the railroad or water conveyance between WID South Canal and Pixley Slough may be required.

NSJWCD: North San Joaquin Water Conservation District
WID: Woodbridge Irrigation District

System Demand

As mentioned, total annual groundwater demand for irrigation at MGP and golf course is estimated to average 610 acre-feet. Groundwater pumping at MGP to irrigate approximately 60 acres of turf is estimated to range from 180 acre-feet to 210 acre-feet (3 to 3.5 acre-feet of water per acre irrigated turf). Potential in-lieu recharge, including development of the 15 acres of land around the proposed lake, would reach 260 acre-feet annually. At the golf course, approximately 100 acres of turf is irrigated by groundwater. Current irrigation demand is estimated to be about 350 acre-feet per year.

Preliminary In-Lieu Recharge Design Layout

Facilities required to deliver water from Pixley Slough for irrigation at MGP would include a diversion facility on the Pixley Slough, and water conveyance to deliver water within MGP. The diversion facility would include a diversion structure and a pumping station. Surface water would be diverted from Pixley Slough through a single diversion facility and then delivered to the 3-acre lake area for storage and distribution (**Figure 5**). Based on this conceptual preliminary design, it is assumed that construction of the County's Master Plan in the northern part of MGP would be completed and the 3-acre lake would be operational before implementation of the in-lieu recharge project at MGP. It is also assumed that this conceptual design would require no modifications to the footprint of the County's Master Plan lake design. A proposed pumping station by the lake would deliver water to meet irrigation demands around the lake area. Also, a new connection would be used to tie the surface water diverted from Pixley Slough to the existing irrigation distribution network of the domestic/irrigation North West Well.

A dual groundwater-surface water system is suggested at MGP for the following two reasons: (1) during dry periods, MGP would pump groundwater to meet demand, and (2) existing pumps at MGP need to run periodically to keep the pumps operational. With the proposed conceptual design, if Pixley Slough water is not available, the North West Well would provide water. Therefore, existing connections between the North West Well and irrigation distribution network would remain unaltered to provide backup.

Figure 5 shows the proposed conceptual layout of the storage and conveyance pipelines at MGP. With this proposed option, both MGP and the golf course could be served with a single diversion facility. A single diversion option would be cost-effective since costs associated with construction, operation and maintenance would increase depending on the number of diversions considered. A single diversion also would have the least environmental impact.

Proposed Diversion Structure

A diversion structure is a physical intrusion on a surface water body that may impact flow regime and, potentially, natural habitat. Therefore, the proposed diversion structure should address several design considerations, as listed below:

- Pixley Slough is not known to be a fish migration corridor according to NSJWCD; thus, a fish-passable structure at the diversion point may not be required.
- Due to the proximity of recreational playing grounds and picnic areas, flood impacts of any diversion structure must be minimized and public safety must be ensured.
- The diversion should be able to operate under low head conditions during low flows.
- Pumping water from Pixley Slough may cause a high level of scouring and sedimentation. Therefore, a sediment removal system for the diversion inlet would be important.
- Aesthetic value is an important factor for the diversion to compatible with the existing environment.

Figure 5. Proposed Design Layout of In-Lieu Groundwater Recharge at Micke Grove Park and Golf Course

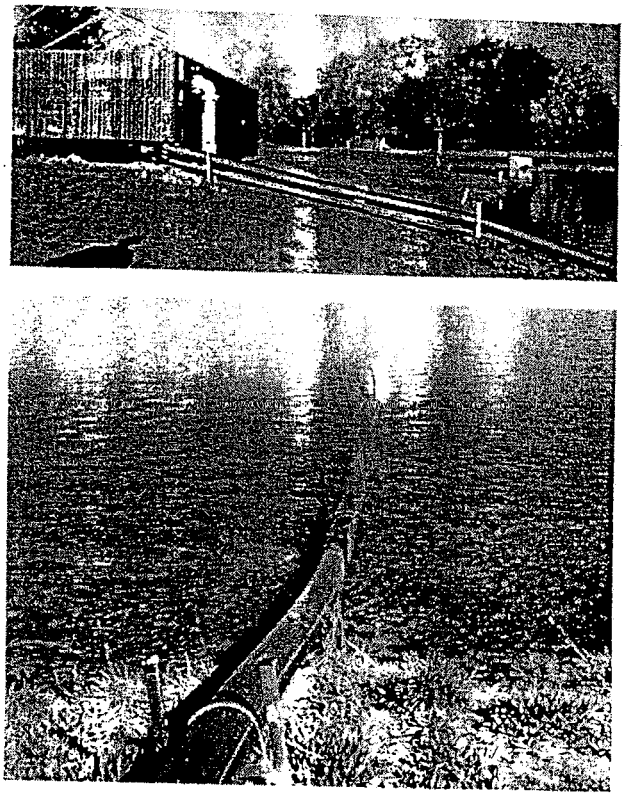
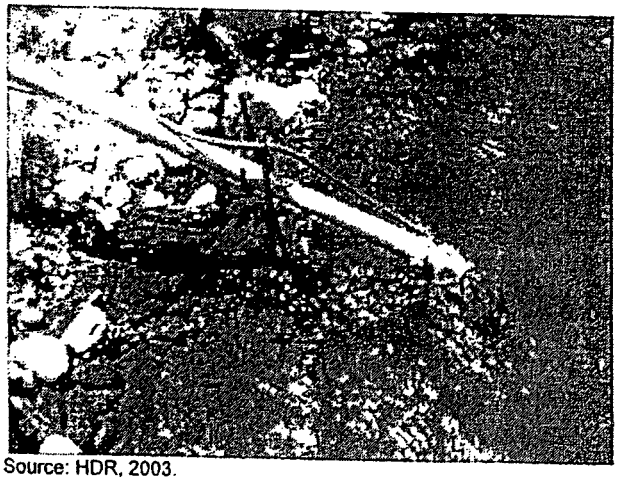


Figure 7. Examples of Potential Intake Facility

(Cherry Island Soccer Complex Pumping Station Water Intake and Screen in Rio Linda Elverta Community Water District)



Source: HDR, 2003.

Figure 8. Example of Potential Screened Pump Intake

Cost Summary

It is estimated that using surface water in-lieu of groundwater pumping at MGP could save the MGP nearly $3,400 in energy costs compared to the projected energy costs of groundwater pumping operations. Including the golf course, annual energy savings with an in-lieu recharge project would be up to $8,000.

The present energy cost of groundwater pumping at MGP and the golf course is assumed to be $45 per acre-foot of water pumped. Actual cost of groundwater pumping at MGP and the golf course may vary depending on specific site conditions (e.g., pumping water levels and system operating pressures). The energy cost of surface water is estimated to be roughly $32 per acre-foot. This would include the energy cost of pumping water from Pixley Slough and additional costs that would be imposed by NSJWCD as discussed below:

- The cost of pumping surface water at the Pixley Slough diversion point plus the cost of delivering the pumped water is assumed to be roughly $17 per acre-foot. This estimate is made using a water cost calculator tool that is available online at the SEWD web site (SEWD, 2006) based on the following assumptions: an electric pump with an efficiency of 75 percent would be used to deliver water from Pixley Slough at the diversion point to the lake and to the golf course. Total head lift was assumed to be approximately 15 feet (5 feet lift at the diversion point and 10 feet of head losses along the pipeline). Water was assumed to be delivered by gravity (i.e., no system pressure would be required). The estimate of $17 per acre-foot does not include capital and operation and maintenance costs. The capital investment would be made by USACE and SEWD.

- Additional charges would be imposed by NSJWCD to cover the cost of diverting water from the Mokulemme River to Pixley Slough. NSJWCD would pay approximately $15 per acre-foot to deliver Mokulemme River water to Pixley Slough for in-lieu recharge use at MGP.

Table 2 summarizes the energy cost of groundwater and surface water and total energy saving with in-lieu recharge at MGP and the golf course.

Table 2. Estimated Energy Costs of Groundwater Pumping and Surface Water and Annual Energy Savings with In-lieu Recharge at MGP and Golf Course

In-Lieu Recharge Site	Cost of Groundwater Pumping (Energy Cost)	Cost of Surface Water (Energy Cost)	Annual Energy Savings
Micke Grove Park	260 acre-feet x $45 per acre-feet = $11700	260 acre-feet x $32 per acre-feet = $8,320	$3,380
Golf Course	350 acre-feet x $45 per acre-feet = $15750	350 acre-feet x $32 per acre-feet = $11,200	$4,550
Total	$27,450	$19,520	$7,930

Future Considerations and Recommendations

To summarize, the followings were considered to evaluate the feasibility of in-lieu recharge potential at MGP and the golf course:

- Existing water distribution system
- System demand
- Surface water availability
- Cost

In-lieu recharge option appears to be compatible with the existing water distribution system and does not require changes in the County's Master Plan. Surface water could be supplied by NSJWCD to meet irrigation demand at MGP and golf course from April through November in all years except during drought years. MGP can use a dual system as backup to meet irrigation demand when surface water becomes insufficient. In addition to a net increase in groundwater supply from in-lieu recharge project, MGP and the golf course could save in energy costs due to reduced groundwater pumping during wet periods. Therefore, based on these favorable conditions, in-lieu recharge project at MGP and the golf course is found to be feasible. The following are additional considerations and recommendations that should be taken into account before implementation of in-lieu recharge at MGP and the golf course:

- Surface water and groundwater quality should be evaluated. Depending on the quality of the surface water source, filtering the water distribution system may be required to minimize water quality issues with surface water (e.g., plugging the existing water distribution system).
- The location of the diversion facility on Pixley Slough should be further evaluated to ensure public safety, minimize flood impacts, and provide sufficient water level conditions.
- Construction of the diversion facility on Pixley Slough may require permits due to potential channel alterations (e.g., stream alteration permit from the California Department of Fish and Game).
- Although Pixley Slough is not known to be a fish migration corridor, the California Natural Diversity Database should be reviewed to ensure no impacts to biological and cultural resources in Pixley Slough would occur due to construction of the diversion facility on Pixley Slough.
- Energy costs presented in this TM are preliminary results and can be modified to better reflect the specific site conditions at MGP and the golf course. Capital and operation and maintenance costs should be evaluated in the future to estimate the total unit cost of using surface water in lieu of groundwater pumping.

Next Steps

If a decision is made to further pursue the in-lieu recharge project at MGP and the golf course, the next stage would include designing and construction of full-scale in-lieu recharge facilities and executing a long-term performance test.

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Sept. 27, 2006

Farmington
Groundwater Recharge Program

Mr. Patrick Dwyer
Project Manager
U.S. Army Corps of Engineers
1325 J Street
Sacramento, Calif. 95814-2922

In-lieu Recharge At Micke Grove Regional Park And Micke Grove Golf Links

Dear Mr. Dwyer:

On behalf of our organizations and the tens of thousands of San Joaquin County (County) residents and businesses that depend on our services, we strongly support efforts by the U.S. Army Corps of Engineers (the Corps) to include in-lieu recharge facilities for Micke Grove Park (the Park) and Micke Grove Golf Links.(Golf Links) as part of the Farmington Groundwater Recharge Program (Farmington Program).

Groundwater is a scarce and threatened natural resource in San Joaquin County. Our region currently depends on groundwater for 60 percent of its supply. This demand has led to a cumulative groundwater overdraft in excess of three million acre-feet and intrusion of saline groundwater underlying the Sacramento and San Joaquin River Delta. Every drop of water counts and these are among the key reasons the Corps teamed with Stockton East Water District (SEWD) to launch the Farmington Program.

As we have learned through the Farmington Program, groundwater levels in the neighboring areas of the Park have been in a state of long-term decline. This trend is consistent with the regional groundwater depression observed in other areas of the eastern San Joaquin County. No site represents a better in-lieu recharge opportunity than Micke Grove Regional Park and Micke Grove Golf Links – a 175-acre County-owned facility that depends entirely on groundwater for irrigation and domestic use.

The City of Lodi Public Works, Woodbridge Irrigation District (WID), and North San Joaquin Water Conservation District (NSJWCD) could each fulfill the irrigation needs of the Park and Golf Links with surface water. If implemented, the strategy could provide an in-lieu groundwater recharge benefit of up to 600 af/year.

Based on a preliminary study it appears that NSJWCD may be in the best position to provide a cost-effective and cost-efficient method to meet the irrigation needs of the Park and Golf Links. NSJWCD proposes to divert water from the Mokelumne River and deliver it via Pixley Slough from April to November – the heart of the irrigation season - in all but drought conditions. Charges by NSJWCD would be imposed only to cover the

cost of pumping surface water from the Mokulemme River to Pixley Slough. The water would be provided at no cost, while the Park and Golf Links would be responsible for pumping costs. Preliminary analysis shows that each would reduce their energy costs significantly especially during wet periods due to reduced groundwater pumping.

The cumulative impacts of replacing groundwater mining with surface water supplies would be enormous and move the region a step closer to sustainable groundwater use. This project, furthermore, contributes to the goals and objectives outlined in the San Joaquin County Water Management Plan (WMP), the Northeastern San Joaquin County Groundwater Management Plan, and the Eastern Basin Integrated Conjunctive Use Program.

Moreover, this project provides an opportunity for the County of San Joaquin to become an active participant in the Farmington Program.

As with the County Board of Supervisor's progressive action to approve the WMP in 2002, an in-lieu recharge project at the Park and Golf Links will become a positive legacy for the region's future water supply. We fully endorse inclusion of this project in the Farmington Program and welcome the County's participation in this valuable program. As with the Corps, we value regional collaboration and are eager to assist you in making this effort a success.

Kevin Kauffman, General Manager
Stockton East Water District

Ed Steffani, General Manager
North San Joaquin Water Conservation District

Reid Roberts, General Counsel
Central San Joaquin Water Conservation District

Richard Prima, Director of Public Works
City of Lodi

Andy Christensen, General Manager
Woodbridge Irrigation District

cc: Craig Ogata: San Joaquin County, Facilities Management Division Director
David M. Beadles: San Joaquin County Parks, Parks Administrator
Jeffrey Smith: San Joaquin County Parks, Park Planning and Development Coordinator

NSJ-31

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

February 10, 2004

Harvey Oslick, P. E.
RBF Consulting
2101 Arena Boulevard, Suite 250
Sacramento, CA 95834

(FAX 1-916-928-1117)

SUBJECT: Gill Creek Study

Dear Mr. Oslick:

I am writing to provide a description of the subject project modified to accommodate irrigation and groundwater recharge.

Your reconnaissance study, Alternative B, shows three drainage ways extending generally westerly from Tretheway Road to Highway 99. Included are 13 – 10+ acre detention basins.

North San Joaquin Water Conservation District (NSJWCD) is interested in using the three "creeks" for conveyance of Mokelumne River water for irrigation (April through September), and for recharge year round.

Assuming irrigation of a half mile wide strip centered along the "creeks", and using a length of 4.5 miles for each "creek", approximately 1500 acres could be served along each creek. At a peak demand rate of 1 cfs per 50 acres, a 30 cfs supply would be required for each creek, and the channel would be sized for 30cfs at the upper end, decreasing to 10+ cfs at the bottom.

The proposed 10+ acre are detention basins would be ideal "spreading basins" for recharge, and could be operated continuously with no impact to drainage. Using a conservative recharge rate of 1 foot per day, each basin could handle 10 feet per day or 5 cfs per basin without ponding. The two southerly "creeks", each with five basins, would require 25 cfs. If operated with irrigation, the required supply and channel capacity would be 55 cfs, at the upper end. If the creeks were used only for irrigation for 6 months, a total of 5000+ acre feet of surface water would be used, assuming drip irrigation of grapes, at 1+ foot per season.

If the 13 detention basins were kept wet for 100 days each year, a total of 13,000 acre feet would be recharged, or almost 48,000 acre feet on a year round basin.

Supply would be provided by the District's existing pumping station located 3,000+ feet southeasterly from the intersection of Acampo and Tretheway Roads. Its present capacity is 30 cfs, or 60 acre feet per day, not the 60 cfs I started at our meeting on 2/5/04.

Additional supply could be provided by an enlarged pumping station and a new pipeline north along Tretheway Road to Gill Creek, or from a new canal or pipeline proposed by the Eastern Water Alliance (NSJWCD), Stockton East Water District (SEWD), and Central San Joaquin Water Conservation District (CSJWCD). This new canal would be located midway between Elliott and Tretheway Roads.

Your preliminary design suggests channel capacities of 25 – 100 cfs. With no over sizing for recharge flows, the recharge operations would have to be stopped whenever a storm approached. Adding 25 cfs capacity to the southerly two creeks and 15 cfs to the northerly creek might be desirable. A slight, 5 cfs, over sizing would be required at the upper ends to accommodate irrigation flows.

Slide gates could be added at street culverts to provide for irrigation control. No modification of detention ponds would be required, with the possible exception of an access way for tractor work, for periodic scarification of the pond bottoms.

The District is very excited about a possible joint flood control – irrigation project, and hopes to be able to work with San Joaquin County and property owners to obtain grants and other funding.

Should you have questions please do not hesitate to contact me.

Sincerely,

Ed Steffani
General Manager

ES/bss

NSJ-32

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

February 28, 2003

(Mailed on April 1, 2003)

Board Members
State Water Resources Control Board

SUBJECT: Decision 858

Dear Board Members:

We are writing to ask that you correct an injustice that has existed since 1956, when your predecessor, the State Engineer, rendered the subject decision.

North San Joaquin Water Conservation District (NSJWCD) applied for a permanent water supply of 100,000+ acre feet per year from the Mokelumne River on 12/2/48, in order that it might provide supplemental surface water for its 54,000 acre area, comprising vineyards and the municipality of Lodi (current population 55,000), overlying the critically overdrafted eastern San Joaquin County and Cosumnes Basins.

Shortly thereafter, on 6/16/49, the East Bay Municipal Utility District (EBMUD) applied for Mokelumne River water to supplement its existing right to store water in Pardee Reservoir for diversion to the East Bay.

Although NSJWCD filed its application ahead of EBMUD, the State Engineer found that the water should go to EBMUD because he believed the EBMUD municipal use to be a higher priority than the proposed NSJWCD use and because NSJWCD would receive its supply from the proposed Folsom South Canal.

It is interesting to note that the State took no action on NSJWCD's 1948 application until July 1956, just three months after the USBR published a report outlining the "Folsom South Unit".

We submit that the State Engineer's error with respect to the "municipal use" issue and the failure of the Folsom South project are two valid reasons for the SWRCB to revisit this matter.

We believe the State Engineer erred by not recognizing that continued agricultural use of groundwater from the overdrafted basin shared by the vineyards and the City of Lodi would negatively impact Lodi's municipal groundwater supply. He should have noted that agricultural use of surface water would have protected the municipal supply just as would expensive treatment of surface water for direct delivery to the urban area.

Back in the late 1950's and 1960's, everyone believed that the Folsom South Canal would be constructed, and that NSJWCD would in fact obtain its permanent surface water supply from that source. That is why NSJWCD did not appeal Decision 858. We

also believe that Decision 858 would have been written in NSJWCD's favor if there were no proposal to build the Folsom South Canal.

So, here we are today, some fifty years later, with no Folsom South Canal and no plans to construct it. In fact, the Sacramento urban area is saying that no such canal will ever be extended beyond its current terminus near Rancho Seco. Groundwater levels continue to fall, as much as 75 feet since 1958, because NSJWCD has no permanent surface water supply.

We obviously have a serious problem crying for a solution. The State, in assuming that NSJWCD's water supply would be provided by the Folsom South Canal, not only granted Mokelumne River water to EBMUD, but also acted upon numerous other water rights applications without giving any consideration to what NSJWCD was to do if the Folsom South supply were not available.

Failure of the Bureau of Reclamation's Folsom South project is not the State's fault, but provision of water to replace the NSJWCD water granted by the State to EBMUD in 1956 is definitely the State's responsibility. NSJWCD played by the rules and has been more than patient, waiting these many years for Folsom South. We submit that 54 years is long enough. It is now reasonable to ask the State to find replacement water.

We would guess that SWRCB staff might correctly say that NSJWCD is not alone in waiting for Folsom South water. What the staff should also say is that the NSJWCD situation is unique because NSJWCD's application for Mokelumne River water was denied because the State assumed completion of Folsom South. It is not because NSJWCD did something wrong, but because the State made the wrong assumption, that NSJWCD finds itself without Mokelumne water.

We submit that there is only one solution, the one that would have followed a Decision 858 written in the favor of NSJWCD. Such would have been the case had the State Engineer assumed in 1956 that there would be no Folsom South Canal in the year 2003. We ask that a permanent supply of 50,000-acre feet per year from the Mokelumne River be granted to NSJWCD.

We fully understand that EBMUD will oppose our request. EBMUD does, however, have a way to mitigate the loss of water to NSJWCD. EBMUD is currently working on the Freeport project, intended to divert dry-year water from the Sacramento River to the EBMUD Aqueduct near Camanche Lake on the Mokelumne River. This facility could convey wet-year water for EBMUD, in an amount equal to the proposed NSJWCD right.

Reallocation of 50,000-acre feet per year would not impact EBMUD immediately. It would take a number of years for NSJWCD to use this amount. Reallocation would however, allow NSJWCD to plan, design, and finance facilities required for full use of the 50,000-acre feet per year.

NSJWCD appeared before the SWRCB during the the Mokelumne River and Bay Delta Hearings, and made formal requests for reallocation of the Mokelumne River water rights because of changed conditions. In Decision 1641, the SWRCB stated that this

was, "...not the proper proceeding for the SWRCB to make the kind of change NSJWCD is requesting". The Board has taken no action following the Mokelumne hearings even though the 8/6/92 Notice of Public Hearing included the following issues for the hearing:

> "What are the existing and projected water demands of EBMUD, WID, and NSJWCD? What water rights do these agencies have to satisfy their current and further demands?"
>
> "How much water is available in the Mokelumne River Watershed to meet the demands of EBMUD, WID, NSJWCD, and for the public trust uses and resources of Camanche and Pardee Reservoirs and the lower Mokelumne River?"

Why were these questions asked unless the Board intended to make a decision in carrying out its statutory duties to resolve these issues?

Instead of rendering a decision, the SWRCB allowed its Chief of the Division of Water Rights to send an April 26, 2001 communication (copy enclosed).

The document states that "...issues regarding the relative priorities of competing water rights to the Mokelumne River were addressed long ago and the statute of limitations regarding past decisions is long past".

This is truly an incredible position for the State to take. It tells NSJWCD in 1956 to wait for the Folsom South water intended to replace the Mokelumne River water it has given to EBMUD, and after waiting patiently for 45 years, NSJWCD is told by the State that the statute of limitations bars it from seeking relief. At any rate, there can be no statute of limitations with respect to reallocations.

EBMUD has not met the legal requirement to place all of the water granted to it pursuant to Application 013156 and Permit No. 47810 to full beneficial use. On November 27, 2000, EBMUD submitted a petition for extension of time for this permit. In light of the State Board's recent draft decision in the Oroville-Wyandotte Irrigation District and Yuba County Water District that did not grant a petition for extension of time and restricts the amount of water that may be licensed to that which was put to beneficial use, it is appropriate at this time to institute reallocations proceedings.

Moreover, in 1984 the California Legislature amended the Water Code to provide area of origin protections that are specifically applicable to the Mokelumne River system. Water Code section 1216 provides that "a protected area (of which the Mokelumne River is one) shall not be deprived directly or indirectly of the prior right to all the water reasonably required to adequately supply the beneficial needs of the protected area...by a water supplier exporting...for use outside a protected area pursuant to applications to appropriate surface water filed...after January 1, 1985." Here, EBMUD's petition for extension of time to put the water to beneficial use under Permit 10478 is tantamount to filing a new application. As such, it is necessary and legally appropriate for the State Board to revisit the issue of water allocations at this time and ensure that NSJWCD is not deprived of water that is desperately needed to assist in remedying the critically overdrafted groundwater basin.

Based upon the unfair treatment, NSJWCD has received, we believe the SWRCB should initiate reallocation proceedings. Accordingly, we ask the SWRCB to schedule a hearing, as soon as possible, to consider reallocating Mokelumne River Water to NSJWCD.

Thank you for your consideration.

Fred Weybret
President
North San Joaquin Water
Conservation District

Charles Poochigian
State Senator
14th District

Tom McGurk
President
Stockton East Water District

Gregory Aghazarian
Assemblyman
26th District

Grant Thompson
President
Central San Joaquin Water
Conservation District

Barbara Matthews
Assemblywoman
17th District

President
Central Delta Water Agency

Alan Nakanishi
Assemblyman
10th District

President
South Delta Water Agency

President, South Delta Water Agency
The Hon. Richard Pombo, U. S. House of Representatives
The Hon. Dennis Cardoza, U. S. House of Representatives
San Joaquin County Board of Supervisors
Fred S. Etheridge, EBMUD office of General Counsel
San Joaquin Farm Bureau Federation
The Hon. Guy Huston, California State Assembly
The Hon. Michael Machado, California State Senate
The Hon. Charles Poochigian, California State Senate