



September 26, 2006

Agreement Between the Orange County Water District (District) and the Department of Fish and Game (Department) to Dismiss Department's Protest regarding Water Application No. 31174 to appropriate 506,800 acre-feet of water from the Santa Ana River

WHEREAS, the District affirms they are committed to conservation and recovery efforts for the Santa Ana sucker in the Santa Ana watershed for the life of the project;

WHEREAS, the Department recognizes the District is an active member of the Santa Ana Watershed Project Authority (SAWPA);

WHEREAS the District, through their involvement with SAWPA, currently implements, and will continue to implement for the life of the project, sucker avoidance measures in their maintenance and construction work;

WHEREAS, the Department recognizes the District is an active member of the Santa Ana Sucker Conservation Team;

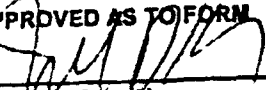
WHEREAS the District agrees to implement, as a participant of the sucker team, or independently, the following actions, which may be modified with written approval from the Department:

- (1) Assess sites for sucker re-introduction within the Santa Ana River watershed by October 31, 2006.
- (2) Submit re-introduction and monitoring plan for Department review and approval. The monitoring plan shall include site specific location information with mapped GIS points and photos and annual reports, by June 30, 2007.
- (3) Implement sucker re-introduction and monitoring at Department approved sites(s) within the SAR watershed by March 31, 2008.
- (4) Assess sites for experimental sucker habitat restoration above River Road Bridge in the Santa Ana River watershed by December 31, 2006.
- (5) Submit experimental sucker habitat restoration and monitoring plan for Department review and approval. The monitoring plan shall include site specific location information with mapped GIS points and photos and annual reports by June 30, 2007.
- (6) Implement experimental sucker habitat restoration and monitoring at Department approved sites(s) within the SAR watershed by October 31, 2007.


NOW, THEREFORE, the Department hereby withdraws its protest to Application No. 31174.

The District and the Department (Parties) agree that the District will provide a copy of this Agreement to the SWRCB within ten (10) days after it is executed by the Parties. The Parties shall request that the SWRCB include the actions listed in (1) through (6), above, among the conditions of any permit issued pursuant to Application No. 31174.


APPROVED AS TO FORM

By 
General Counsel for
Orange County Water District

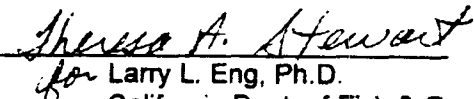
Dated: 10-2-06


Virginia Grebbien
General Manager
Orange County Water District

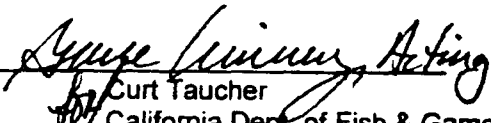
Dated: 10-2-06


Philip L. Anthony
Board President
Orange County Water District

Dated: 11-3-06


for Larry L. Eng, Ph.D.
California Dept. of Fish & Game
South Coast Regional Manager

Dated: 10/26/06


for Curt Taucher
California Dept. of Fish & Game
Eastern Sierra-Inland Deserts
Regional Manager