

State Water Resources Control Board
General Briefing Paper – August 5, 2010

The Exchange Contractors, the RMC, the SLDMWA, and local landowners have all supported the San Joaquin River Restoration project since the court approved Settlement Agreement between the Bureau and NRDC.

The above mentioned entities and landowners are all third parties to the settlement and have spent considerable time and resources to help approve language within Federal legislation that provided the protections we needed.

We have been, and will continue to be, cooperative in the various program elements and processes as they are being developed and implemented.

Restoring the San Joaquin River must be done with all the parties' interests in mind, especially those who live along the River and whose daily lives and businesses shouldn't be negatively impacted. Programs must be put in place with public input, attention to detailed analysis, and proper mitigations.

In order to protect our interests, and at the same time help restore the local river, the 3rd parties have been actively engaged in various stages relating to the negotiations, formulations, and implementation of the following Bureau programs:

- EA/IS for Temporary Transfer of Water for WY2009-10
- Seepage Management and Monitoring Programs
- Recapture and Recirculation Agreement
- Daily Interim Flow Operations calls for WY 2009-10
- Facility Operations Agreement with SLCC, CCID, and LSJLD (BOR has not yet provided the agreement)
- Application to the SWRCB for Temporary Transfer and Change in Sept. 2009
- SWRCB's Conditional Approval for the WY2009 Temporary Transfer and Change

We will continue to be involved as the SWRCB moves forward with their conditional permit for water transfer for the 2010-11.

We will be actively engaged in providing our comments and suggestions to the Bureau's PEIS relating to the entire San Joaquin River Restoration Program, and related project-specific EISs. The PEIS has been delayed for quite some time and is now due out prior to the end of the 2010 calendar year.

SWRCB ORDER WR 2009-0058-DWR
DATED OCT. 1, 2009

GOAL OF LOCAL LANDOWNERS AND WATER AGENCIES IN MOVING
FORWARD WITH THE PERMIT CONDITIONS FROM LAST YEAR (October 2009)

1. Work closely (on a daily basis if necessary) on daily release operations out of Friant Dam and accurately tracking the water down the system. Permit Condition #10 worked well.
2. Work in conjunction with the Bureau as they implement the Seepage Management and Monitoring Plan. We did all we could to get monitoring wells on private lands to use in conjunction with those on public access, including assisting BOR in developing terms for a standard temporary entry permit..
3. Help establish various groundwater “thresholds” at monitoring sites specific to certain fields. Track this data, and work with the Bureau so that the Seepage Monitoring Plan is successfully implemented. These thresholds were never meant to be used as all inclusive. It was the Bureau’s obligation to work one-on-one with landowners adjacent to the River to set these thresholds.
4. Negotiate with the Bureau to sign two necessary agreements:
 - a) Operations Agreement between USBR and CCID, SLCC, and Lower San Joaquin Levee District for their facilities on the River. We provided BOR with a draft in August 2009, so far no BOR response.
 - b) A Recapture and Recirculation for SJRRP Releases
5. Protect other water users by assisting Reclamation in analyzing the “with and without” Friant and flood flow operations to determine needed mitigations; assist in finalizing a Recapture and Recirculation Plan, and; help Reclamations develop Water Quality Response Plan to avoid impacts from last years program

THE PROGRAM IS NOT FULFILLING ITS MANDATE TO AVOID THIRD PARTY IMPACTS, OR MITIGATE FOR SUCH IMPACTS, WHILE AT THE SAME TIME NOT MEETING ITS SWRCB PERMIT CONDITIONS

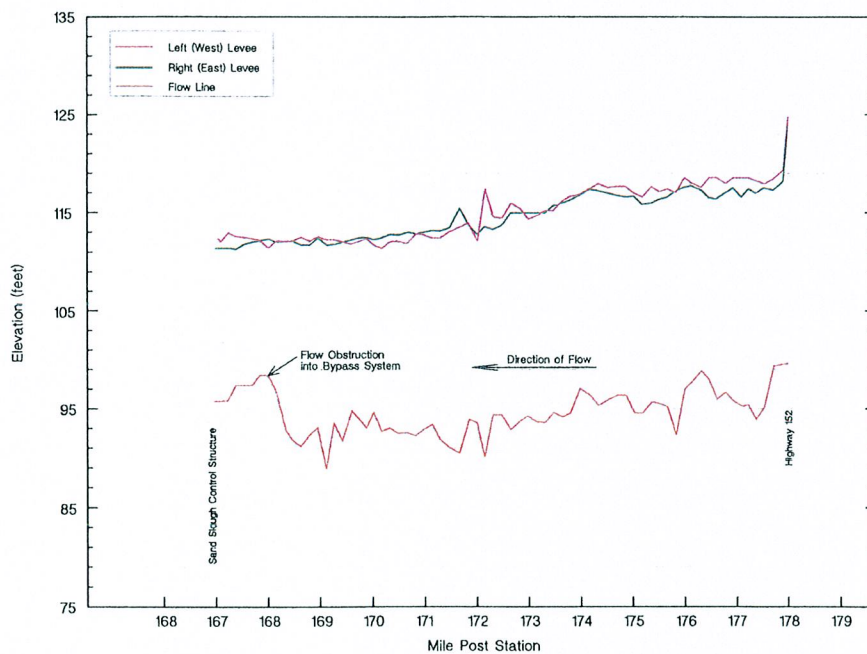
- Program ignores impacts to property adjacent to and inland from the River that are clearly shown by review of the raw data
- Bureau lacks commitment to make real time changes in the system based on current impacts
- Bureau has not established or implemented required mitigation measures based on WY2010 interim flows or for the foreseeable impacts of WY 2011 interim flows

Condition 6(b): The necessary agreement with the Lower San Joaquin Levee District for Operation, Inspection, and Maintenance of flood control facilities was never agreed upon and signed.

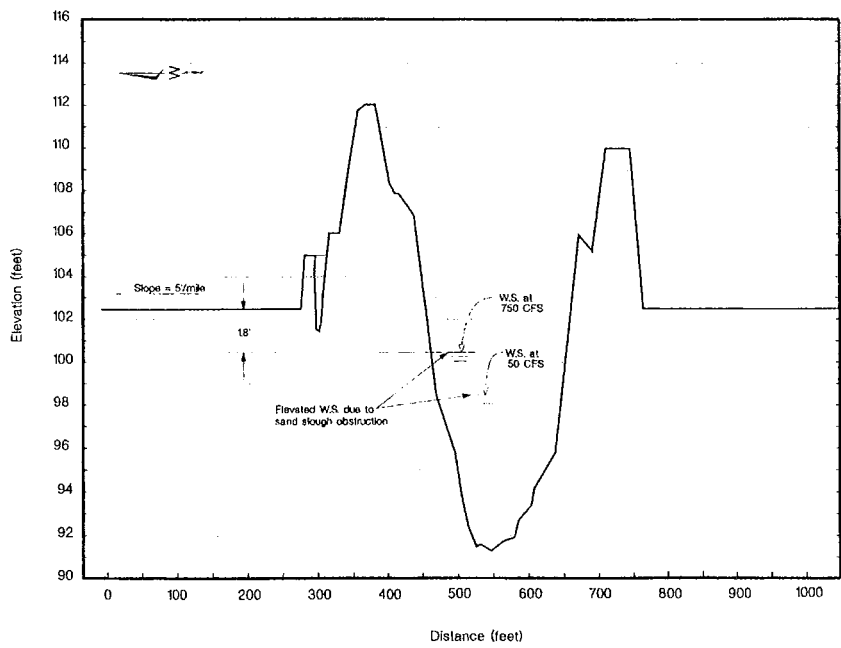
This issue is vitally important to us, especially as it relates to the convergence of the SJ River and the intersection of the Eastside Bypass and how the hydraulics work (back-up of water in both Reach 4A and Eastside Bypass)

This issue could have been discussed, and perhaps resolved if the Operations Agreements were signed. The following illustrations show the flow blockage created at the flood bypass system connection to the old river at the end of Reach 4A.

Blockage at the end of Reach 4A CAUSING EXCESSIVE SEEPAGE



Profile of San Joaquin River Reach 4A - Hwy 152 to Sand Slough
(Modified from Hydraulic and Sediment Continuity Modeling
MEI September 2000)



Typical Cross Section Reach 4A



**Sand Slough Control Structure
(Obstruction to Flow)**

This photograph depicts the SSCS and shows that the structure, located at the end of Reach 4A, acts as an additional obstruction to any interim flows entering the bypass system creating seepage conditions.

Condition #8:

Implementation of Seepage Monitoring and Management Plan

There are numerous examples of the Bureau's failure to react to instances of known seepage. A few of the many examples - Example: Reclamation's own real time monitoring of groundwater on the Nickel property shows that groundwater got to within 3.3' of ground surface. This after telling the land owner the threshold was 6 feet BSG. Example: CCID submitted data for 25 existing observation wells that indicated seepage impacts, while Reclamation did react and temporarily reduced interim flows, they did not site specific seepage damage evaluations, and then re-introduced interim flows about two weeks later to damaging levels. Example: Reclamation was notified of possible river channel obstructions in Reach 4a on April 8, 2010, which were never investigated.

A) Installation of monitoring wells on public right of way

*Current level of Public Right of Way Wells

*Current level of Private Wells

Landowners to work with the Bureau on TEP to install additional wells to fill in gaps.

The Bureau documented numerous wells Appendix F – Groundwater Atlas of the SEA as not yet installed. Six out of fourteen wells are not installed yet in lower Reach 3, and 7 out of 18 wells are not yet installed in Reach 4A. In Reach 4A many of the installed observation wells on public R/W were measures only once (fall 2009) since installation.

B) Establishment of Groundwater elevation thresholds

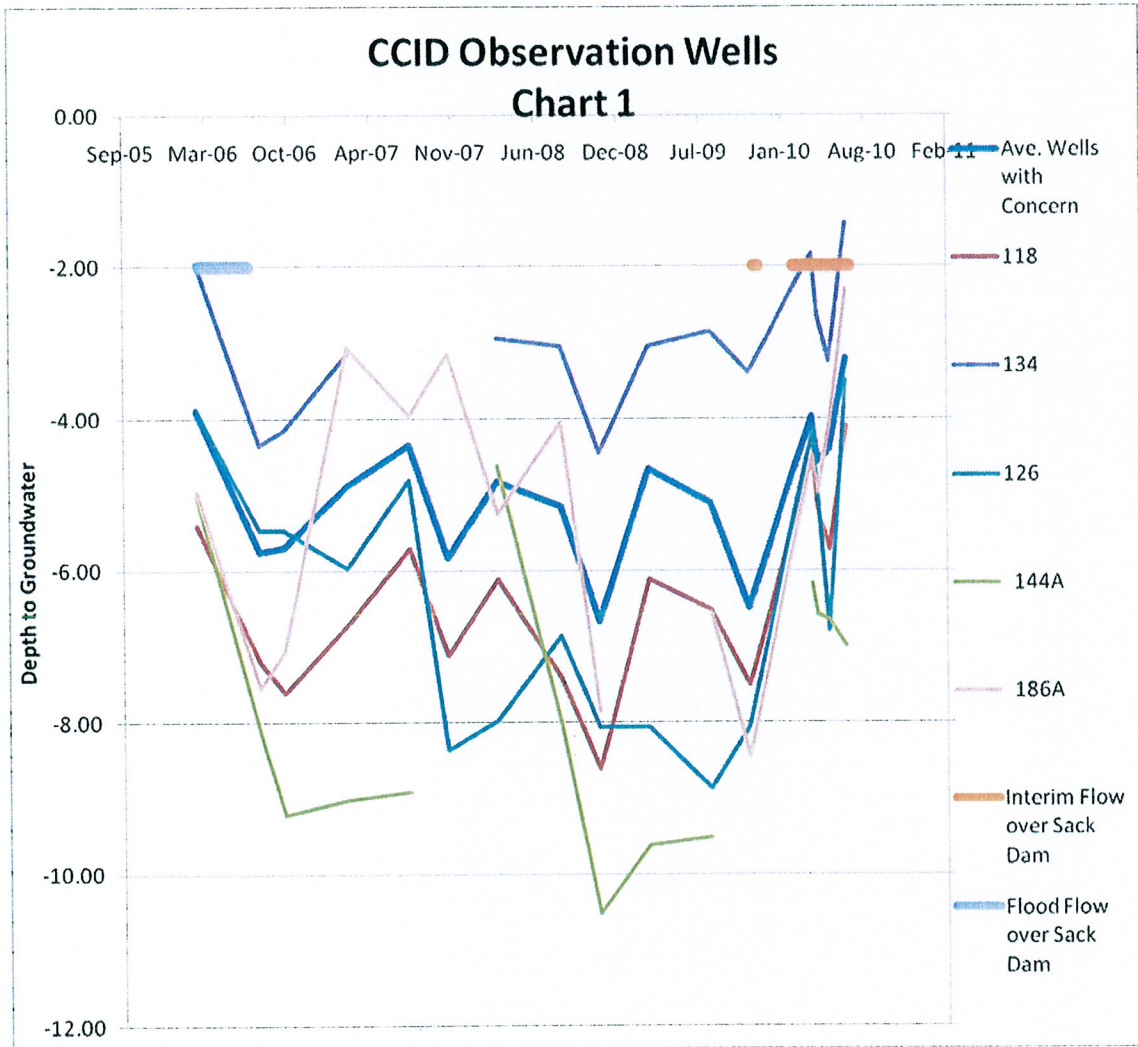
It makes sense to establish the actual elevations of groundwater along the river and to know the relative elevation of the river's water surface during different flow rates. It's the only way to understand whether the river is draining groundwater from surrounding ground (historical condition) and at what point the river begins pushing seepage into the surrounding ground. This is an unfulfilled permit mandate from 2010. It was also understood that the Bureau would work with adjacent landowners to establish mutually acceptable depth to groundwater thresholds to protect crops from seepage. This has not been done.

C) Release of Interim Flows Consistent with the Seepage Management Plan

The Bureau is not reacting to, and coming up with flow alternatives or programs based on real time data that is being collected.

For example:

We believe that the Program should look into the possibility of stopping interim flows at the Sack Dam for the remainder of the 2009-10 period to help gather valuable data in Reach 4 relating to landowner seepage. The low flows in this reach are not rendering valuable information for the program relating to water temperature, river stage elevation, reuse and recirculation. But this change in flow dynamics in Reach 4A will gather very good groundwater seepage data. As demonstrated by the chart below, ...



Condition #9:

- (A) Flows greater than 475 in Reaches 2A and 3: Daily evaluations

- (B) Reduction or redirection of flows to last known level that did not result in a seepage condition

CONDITIONS THAT 3RD PARTIES BELIEVE IS NECESSARY IN ORDER TO PROCEED WITH THE SECOND YEAR OF INTERIM FLOWS

- (1) Establish an adequate flow monitoring and regulation program based on lessons learned this year, including a process to address concerns
- (2) Establish an adequate seepage monitoring program that establishes a river stage relationship to adjacent groundwater elevations.
- (3) Require that Reclamation obtain landowner approval to groundwater thresholds and submittal to the State Board prior to commencement of 2011 flows.
- (4) Require that Reclamation develop, with direct involvement by the Water Agencies, a water quality response plan.
- (5) Require Reclamation to complete, with direct involvement by the Water Agencies, a Recapture and Recirculation Plan.
- (6) Require Reclamation evaluate Friant operations with and without the SJRRP and develop a methodology to mitigate for all impacts. The evaluation must be based upon a determination of how Friant conveyance and delivery operations would have been operated absent SJRRP rather than strictly theoretical operations.
- (7) Provide protection of south of the Delta CVP water service contractors allocations by making it clear that the proposed one year transfer (Interim Flows) do not take priority to the channel capacity for releases past Mendota Dam during a flood flow operations.
- (8) Require Reclamation to establish a water supply account to mitigate for third party water supply impacts.
- (9) Participation by State Board engineering staff in program formulation and implementation of required actions.
- (10) Integrate SWRCB staff into weekly updates/conf. calls
- (11) Require that Reclamation comply with conditions 1 through 7, and submit them to the State Board prior to the commencement of transfer flows.
- (12) Obligate USBR to operate so as to not cause damage to third parties.