

Karna E. Harrigfeld
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March 17, 2009

VIA OVERNIGHT MAIL

Ms. Victoria Whitney
State Water Resources Control Board
Division of Water Rights
1001 "I" Street, 14th Floor
Sacramento, California 95814

Re: North San Joaquin Water Conservation District
Water Rights Order 2008-0016 – Petition for Extension of Time

Dear Ms. Whitney:

Please find the following enclosed items:

- Executed original Petition for Extension of Time which includes the Construction and Operations plan required by Condition 2 of Water Rights Order 2008-0016;
- Check for \$1000 made payable to State Water Resources Control Board for filing fee; and
- Check for \$850 made payable to Department of Fish and Game.

Should you have any questions, or require any additional assistance, please do not hesitate to contact me.

Very truly yours,

KARNA E. HARRIGFELD
Attorney-at-Law

KEH:md

Enclosures

\\2003-prolaw\ProLaw\documents\1776-004\KEH\91104.doc

2009 MAR 13 10:10:54 AM
DIVISION OF WATER RIGHTS
SACRAMENTO, CALIF.

Rec'd
\$1000.00
\$850.00 DFG
3/18/09
MS

STATE WATER RESOURCES CONTROL BOARD
2009 MAR 10 AM 10:55
DIV OF WATER RIGHTS
SACRAMENTO

PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 12842 Permit 10477

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (State Water Board), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the State Water Board may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

- • The project has been abandoned and I request revocation of the permit.

Signature
- • Full use of water has been made, both as to amount and season, and I request license be issued.

Signature
- XX The project is not yet complete. I request the State Water Board's consideration of the following petition for an extension of time.

PETITION FOR EXTENSION OF TIME if START of construction has been delayed

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

2. Estimate date construction work will begin. _____
3. Reasons why construction work was not begun within the time allowed by the permit.

Rec'd
\$1,000.00
\$850.00 DF6
3/18/09
MJ

**PETITION FOR EXTENSION OF TIME
If construction work is proceeding**

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A 15 - year extension of time is requested to complete construction work and/or beneficial use of water. (Must be consistent with the time frame allowed in California Code of Regulations sections 840 through 844)
5. How much water has been used? _____ acre-feet/year _____ cfs See attachment
6. How many acres have been irrigated? 800
7. How many houses or people have been served water? N/A
8. Extent of past use of water for any other purpose. N/A
9. What construction work has been completed during the last extension? See attachment
10. Approximate amount spent on project during last extension period. \$ See attachment
11. Estimate date construction work will be completed. See attachment
12. Estimated year in which water will be fully used. December 31, 2025
13. Reasons why construction and/or use of water were not completed within time previously allowed. See attachment

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided. N/A

14. What water conservation measures are in effect or feasible within the place of use?

15. How much water is being conserved or is it feasible to conserve using these conservation measures?
_____ acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? _____ gpd.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated March 18, 2009, at Stockton, California

Signature(s)

(209) 712-5034

Telephone No.

Edward M. Steffani 221 West Pine St., Lodi, CA 95240

PLEASE PRINT YOUR NAME AND ADDRESS

NOTE: All petitions must be accompanied by the filing fee (see fee schedule at www.waterrights.ca.gov) made payable to the State Water Resources Control Board (State Water Board) and an \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time. Separate petitions are required for each water right. Separate State Water Board fees are required if both a change and time extension petition are being filed.

ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: N/A

Department: N/A Telephone: () N/A

County Zoning Designation: N/A

Are any county permits required for your project? YES NO If YES, check appropriate box below:

Grading permit Use permit Watercourse Obstruction permit Change of zoning

General plan change Other (explain):

b. Have you obtained any of the required permits described above? YES NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. 1 Supplement to Petition for Extension of Time Form for Permit 10477

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management

Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams) Reclamation Board

Coastal Commission State Lands Commission Other (specify) N/A

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No.

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO

If YES, explain: See Attachment No. 1 for description of construction of project

See Attachment No. 1 Supplement to Petition for Extension of Time Form for Permit 10477

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
If YES, name and telephone number of contact: Kent Smith (916) 358-2382
ksmith@dfg.ca.gov

4. ENVIRONMENTAL DOCUMENTS

regarding fish screen construction

- a. Has any California public agency prepared an environmental document for your project? YES NO
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____
- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.*
 - I expect that the SWRCB will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

See Attachment No. _____

* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?
 YES NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

- b. Will a waste discharge permit be required for your project? YES NO
Person contacted: _____ Date of contact: _____
- c. What method of treatment and disposal will be used? N/A

See Attachment No. _____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area? YES NO

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: _____

See Attachment No. _____

7. ENVIRONMENTAL SETTING

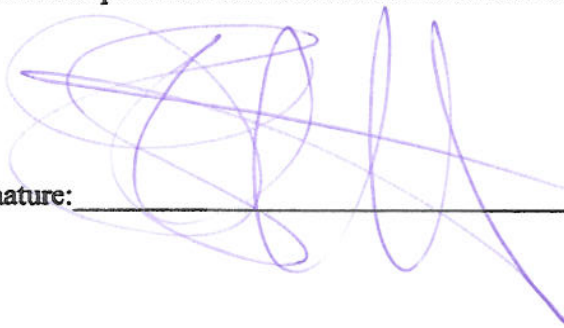
Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 3/17/09 _____

Signature:  _____

ATTACHMENT NO. 1 – SUPPLEMENT TO PETITION FOR EXTENSION OF TIME
FOR PERMIT 10477

INTRODUCTION:

North San Joaquin Water Conservation District (District) holds water right Permit 10477 issued by the State Water Resources Control Board (State Water Board) for the diversion of water from the Mokelumne River in San Joaquin County. In Water Rights Order WR 2008-0016, adopted March 18, 2008, the State Water Board conditionally approved the District's Petition for Extension of Time it had filed December 27, 2000 requesting an extension through December 31, 2010. If additional time beyond December 31, 2010 is needed to construct facilities to place water to beneficial use, WR 2008-0016 directs the District to submit a Petition for Extension of Time by March 18, 2009.

WR 2008-0016 requires the District to incorporate a project construction and operations plan for putting the full amount of water authorized under Permit 10477 to beneficial use in any request for additional time. This construction and operations plan must identify significant milestones and a timeline for meeting the milestones. The plan should describe how the District will diligently pursue its June 1, 2007, change petition or provide an alternate plan to put water authorized under Permit 10477 to full beneficial use. The plan must include a detailed description of how the District will finance implementation of the plan. The plan should identify the restrictions on groundwater pumping, pump charges or other measures necessary to address the problem of users relying on groundwater pumping instead of deliveries from the District, and identify how these requirements will be put in place.

This Attachment No. 1 – Supplement to Petition for Extension of Time is intended to address the questions in the State Water Board Petition for Extension of Time Form as well as incorporate the information required in WR 2008-0016 regarding the construction and operations plan.

Question 5 – How much water has been used?

The District's permit to appropriate water allows it to divert up to 80 cfs by direct diversion between December 1 and July 1 and to store 20,000 acre feet from the Mokelumne River. The District entered into a contract with East Bay Municipal Utility District (EBMUD) for the storage of up to 20,000 acre-feet at either Pardee or Camanche Reservoir. It is at EBMUD's sole judgment and discretion, to determine whether space is available in either of its reservoirs for the collection and storage of water for the District.

The District's permit was granted under Section 1462 of the Water Code which provides the District with a temporary right until such time as the water is needed by EBMUD under its Camanche permit. Since 1958, the District's water use has varied. Many of the water users that have access to surface water do not use surface water for the following reasons: (1) the source is not dependable and (2) too costly to maintain both groundwater and surface water pumping facilities.

The maximum quantity of water put to beneficial use by the District was 9,487 acre-feet in 1974.

Question 9 – What construction work has been completed during the last extension?

To divert water from the Mokelumne River, the District installed and owns a pumping plant and underground pipelines and a ditch commencing at a point on the south bank of the Mokelumne River approximately 1-1/2 miles downstream from the town of Lockeford, California. This pumping plant and pipeline were constructed in 1958 to serve lands in the vicinity of Victor. The District purchased an additional pipeline system which was connected to the District's original Mokelumne River pipeline system to serve additional areas near and south of Victor. In 1969, the District purchased the Locust Tree pipeline system and the Alpine pipeline system. These facilities have 7.7 miles of concrete pipelines of 48-inch diameter down to 12-inch diameter and 10 miles of open channel. In 1972, the District purchased the Acampo pipeline system. This system serves the Acampo Road area north of the Mokelumne River with water supplies from the Mokelumne River. This system consists of a pumping station and 6.3 miles of 24-inch diameter steel pipe and concrete pipe of diameters from 48 inches down to 12 inches.

During the last extension period (January 1, 2001 through December 31, 2010), the District has implemented the following pilot conjunctive use projects to determine the best area for conjunctive use of water for a larger scale project:

Hoffman: Winter time irrigation by farmer of dormant vines. District paid for electricity and repairs to farmer's pump. Approximately 6 acre feet (AF) of water per day was applied on approximately 5 acres of vineyard with infiltration rate of approximately 1.2 feet per day. No evidence of harm to grapes. This demonstration project may be used to convince other farmers to allow winter irrigation. Test project has been implemented in 2004-2006 and approximately 300 acre feet has been used for irrigation.

Lakso: Winter time irrigation of dormant vines utilizing District water diverted at the north pumping station and conveyed through the north distribution system. Approximately 4 AF of water per day on approximately 4 acres. No evidence of harm to grapes. This demonstration project may be used to convince other farmer to allow winter irrigation. Test project implemented in 2004 and approximately 118 AF was used for irrigation.

Kautz: A 25 acre area rented for a two year period ending in the fall of 2005. Water was diverted during 2003/2004 from the District' south distribution system. 2,000 feet of 20-inch PVC pipeline was installed to deliver up to 10 AF a day to the southerly 12 acres. Infiltration rate was less than a 1 AF per day and this project was discontinued. This experience showed that Highway 12 – Locust Tree Road is not a good area for conjunctive use project.

Hammer: A one acre area was tested for recharge in 2004 with water delivered from the District's south distribution system. Results showed potential for excellent infiltration rates. A 15 acre area has been rented and in 2005 and 2006, the District implemented additional tests for several months, but were

constrained by the District distribution system. Delivery of up to 2,000 acre feet proposed for future years.

The following projects were anticipated to be implemented in 2007, but were not implemented because no water was available pursuant to the District's water right:

Tecklenburg: A 10 acre sand area located north of Kettleman Lane and west of the District's pipeline, but near a pipeline owned by another District farmer. Winter irrigation of the site with installation of temporary pipeline to bring water from District's existing south facilities. Assuming direct diversion water available, estimating 60 days at a rate of 10 AF per day for a total of 600 AF. Proposal under consideration for 2011.

Micke Grove: One quarter acre sand hole recharge operation at the Micke Grove Park. Water would be delivered from the District's existing south facilities. Assuming water available, estimate that 100 acre feet could be put in the ground annually in the future. This small scale project could lead to a larger 3 plus acre project within the Park which could result in 1500 AF per year.

Since 2001, the District has been working on its CALFED Conjunctive Use Project. After successful pilot tests on the adjoining Nakagawa and Costa lands, north of the Mokelumne River, near Dustin and Woodbridge roads, the District located the CALFED project on 10 acres. The project was constructed during 2007 and 2008, and began recharging water in 2009 during the winter when heavy rains generating sufficient water in the Mokelumne River to utilize the District's direct diversion right, to date the District has placed about 120 acre feet in the ground in 2009.

In October 2008, the District completed construction of the fish screen on South diversion facility.

Question 10 – Approximate amount spent on project during the last extension period?

The District has expended approximately \$2,000,000 of its own funds and approximately \$400,000 on the CALFED Conjunctive Use Project. The District has also retained a part-time general manager charged with the task of increasing the use of surface water for irrigation and developing conjunctive use projects to increase the use of surface water through recharge.

**Question 11 – Estimated date construction work will be completed?
WR 2008-0016 - Construction/Operation/Finance Plan**

Over the next 15 years the District proposes a number of projects that will require improvements to be constructed that will permit the District to put its entire permitted water supply to full beneficial use.

Diligent Pursuit of District's June 1, 2007 Petition for Change

Some of the improvements are contingent on approval by the State Water Board of the District's June 1, 2007 Petition for Change (2007 Petition for Change). Since the District does not know when it will receive State Water Board approval of its 2007

Petition for Change, the District has focused the first three years of the Time Extension (2011-2013) on improvements that can be made to put its water to beneficial use under it's the existing water right. The District will complete the required CEQA compliance for the 2007 Petition for Change by September 2009. The District awaits noticing of the 2007 Petition for Change and will proceed diligently with the 2007 Petition for Change once it is noticed, it will respond to any protests and provide the State Water Board with any information necessary to process the 2007 Petition for Change.

Project Construction Plan

The District is requesting a 15-year extension of time to construct the necessary improvement to place its 20,000 acre feet to beneficial use. The District applied for Federal Economic Stimulus Funds for Rehabilitation of the District's existing distribution system. This construction plan assumes receipt of these funds to rehabilitate the District's existing distribution system. The District understands that it should find out during 2009 whether it will receive these funds. Should the District not receive these funds, the District will amend its Petition for Extension of Time and request an additional 10 years to construct the improvements. The District's original 10-year budget included rehabilitation of only the south distribution system. The availability of Federal funds dictates this major revision, the key to such availability is "shovel ready." Rehabilitation fits this classification.

The construction plan is driven by the District's desire that a maximum amount of water be put to beneficial use as quickly as possible. This means rehabilitation of the existing, partly inoperable system, and District investment in irrigator operated dual systems, to allow use of well water during dry years, and surface water in wetter periods.

Approximately 4,000 acres (2,000 acres on each side of the river), will be irrigated with a rehabilitated distribution system. This is based upon a one quarter mile service area on each side of pipe lines. While most of the area is vineyards, some orchard and other uses suggest an average drip irrigation water demand of 2 feet. Approximately 800 acres are currently flood irrigated with some 3,000 acre feet per year (AFA) of surface water delivered by the dilapidated south distribution system. This would leave approximately 1,200 acres for an additional surface water irrigation use of 2,400 AFA along the south system plus 4,000 AFA of additional use from the North system, for a total irrigation use of 9,400 AFA. Assuming Federal economic stimulus funds for rehabilitation during 2009, the additional 6,400 AFA could be used as early as 2010.

Because a bypass flow agreement with California Department of Fish and Game reduces the District's surface water supply by 5%, only 19,000 AFA of the 20,000 will be available. After rehabilitation of the existing distribution systems, there is 9,600 AFA for other recharge and irrigation.

The construction plan assumes the following use for the 9,600 AFA.

USE	AMOUNT
Recharge and Irrigation	AFA
Riparian	1,000
CAL FED	1,000

Hammer	1,000
Tecklenburg	1,000
Bear Creek	2,000
Coyote Creek	2,000
Gill Creek	<u>1,600</u>
Total	9,600

Please note that all these uses could increase substantially with an increased wet year supply. The District hopes that such an increase, up to an additional 50,000 AFA will result from on going negotiations involving, 1) EBMUD's Freeport Project, 2) the Mokelumne Forum, and 3) the Northeastern San Joaquin County Groundwater Banking Authority.

Project Operations Plan

The following plan assumes 2009 economic stimulus funds for rehabilitation of the north and south distribution systems. The District re-focused it plan for adding new diversion points and recharge facilities to 2013 to allow time for approval by the State Water Board of the 2007 Petition for Change.

In 2009, the District will be constructing the fish screen on the North diversion. Once installed, the North diversion will be operable in 2010. The South and CALFED diversions will be operable during 2009.

The following table presents our estimates of quantities to be pumped from each of the three existing diversions, from the two proposed diversions, and by riparian users during the period 2010 through 2023.

YEAR	DIVERSION	USE	AFA
2010	North	Irrigation	1,000
	South	Irrigation and recharge	4,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	<u>1,000</u>
	Total 2010		7,000
2011	North	Irrigation	1,000
	South	Irrigation and recharge	4,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	<u>1,000</u>
	Total 2011		7,000
2012	North	Irrigation	2,000
	South	Irrigation and recharge	4,000
	CAL FED	Recharge	1,000

YEAR	DIVERSION	USE	AFA
	Riparian	Recharge	<u>1,000</u>
		Total 2012	8,000
2013	North	Irrigation	3,000
	South	Irrigation and recharge	4,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	<u>1,000</u>
		Total 2013	9,000
2014	North	Irrigation	3,000
	South	Irrigation and recharge	5,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	<u>1,000</u>
		Total 2014	10,000
2015	North	Irrigation	4,000
	South	Irrigation and recharge	5,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	<u>1,000</u>
		Total 2015	11,000
2016	North	Irrigation	4,000
	South	Irrigation and recharge	5,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	<u>1,000</u>
		Total 2016	12,000
2017	North	Irrigation	4,000
	South	Irrigation and recharge	5,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	<u>1,000</u>
		Total 2017	12,000
2018	North	Irrigation	4,000
	South	Irrigation and recharge	6,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	<u>1,000</u>
		Total 2018	13,000
2019	North	Irrigation	4,000
	South	Irrigation and recharge	7,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	<u>1,000</u>
		Total 2019	14,000

YEAR	DIVERSION	USE	AFA
2020	North	Irrigation	4,000
	South	Irrigation and recharge	7,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	<u>2,000</u>
		Total 2020	15,000
2021	North	Irrigation	4,000
	South	Irrigation and recharge	7,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	2,000
	Gill Creek	Recharge	<u>1,000</u>
		Total 2021	16,000
2022	North	Irrigation	4,000
	South	Irrigation and recharge	7,000
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	2,000
	Gill Creek	Recharge	1,000
	Bear Creek	Recharge	<u>1,000</u>
		Total 2022	17,000
2023	North	Irrigation	4,000
	South	Irrigation and recharge	7,400
	CAL FED	Recharge	1,000
	Riparian	Recharge	1,000
	Coyote Creek	Recharge	2,000
	Gill Creek	Recharge	1,600
	Bear Creek	Recharge	<u>2,000</u>
		Total 2023	19,000

'Riparian use' means existing riparian irrigators pumping District water for winter time irrigation – recharge. The District proposes payment of \$30 per AF to cover power costs of \$10 per AF, and \$20 per AF as compensation to cover other land owner operation, depreciation and maintenance costs.

Project Finance Plan

The District has a number of revenue sources from which to fund these improvements. The District has property tax, county drainage fund, water sales, an acreage charge and a groundwater pumping charge.

Groundwater Pumping Charge/Pumping Restrictions/Other Measures

The District has imposed a groundwater pumping charge on all groundwater producing facilities for Fiscal Year 07-08 and 08-09. Funds from the Fiscal Year 07-08 groundwater charge totaled approximately \$800,000 and were collected in the Fall of 2008. The Fiscal Year 08-09 groundwater charge will be collected in the Fall of 2009 and approximately \$800,000 will be collected.

In November 2008, a measure was placed on the ballot that repealed the 07-08 groundwater charge and arguably placed a limitation on imposing future groundwater charges for Fiscal 09-10 and beyond. The Measure did not require a refund of the Fiscal Year 07-08 or 08-09 groundwater charges. The District intends to place on the ballot in June 2010 a measure to allow future groundwater charges and, upon successful election, will proceed with imposing groundwater charges. Should the election not be successful, the District will utilize an alternate revenue source (either through its acreage charge or some other assessment) to fund the District's obligation in 2011 and beyond.

Besides the groundwater pumping charge, the District has not imposed any additional restrictions on groundwater pumping. The District has focused the initial years in rehabilitating the existing distribution facilities to increase surface water use. The District is also establishing a fund to assist landowner with the installation of "dual" facilities to increase surface water use. Finally, the District may offer surface water at a discounted rate to encourage surface water use.

District Acreage Charge

The District has the authority to levy an acreage charge in the District. In 2003, the District Board authorized imposition of the \$1 to \$5 per acre charge for acreage in the District subject to compliance with the legislation regarding levying the charge based on water use. The District conducted a Proposition 218 public hearing, protest and ballot proceeding which authorized the imposition of the acreage charge. Once the District is successful in utilizing surface water, which assumes water is available for use in any particular year, the District may proceed in imposing this acreage charge in accordance with the water code provisions. These funds may be in addition to other revenue sources or in replacement of other revenue sources.

Below is a summary of the specific improvements to be constructed over the next 15 years.

2008

<u>ITEM</u>	<u>COST</u>
Hammer Rent	\$ 6,000
South Fish Screen	\$228,000
Tecklenburg Borings	<u>\$ 4,000</u>
Total	\$238,000

		<u>2009</u>	
<u>ITEM</u>			<u>COST</u>
Election/Legal/Regulatory			\$250,000
North Fish Screen			\$228,000
Hammer Levee			\$ 30,000
Tecklenburg Pipeline			\$ 7,000
Dual Systems			\$200,000
Rent			
	CAL FED area		\$ 18,000
	Hammer		\$ 12,000
	Tecklenburg		\$ 20,000
PG&E for 2000 AF			\$ 40,000
Rehab			
	South Distribution System		
	Federal Share		\$5,500,000
	North Distribution System		
	Federal Share		<u>\$5,000,000</u>
		Totals	
		Federal	\$10,500,000
		District	\$ 805,000

		<u>2010*</u>	
<u>ITEM</u>			<u>COST</u>
Legal/Regulatory			\$100,000
Rent			
	CAL FED area		\$ 18,000
	Hammer		\$ 12,000
	Tecklenburg		\$ 20,000
PG&E for 7,000 AF			<u>\$140,000</u>
		Totals	\$ 290,000

**NOTE: No groundwater charge revenue for '09 – '10.*

		<u>2011</u>	
<u>ITEM</u>			<u>COST</u>
4600 feet of 36-inch pipe from existing pipe to Tecklenburg area			\$330,000
Borings and Engineering			\$ 40,000
Rent			
	CAL FED area		\$ 18,000
	Hammer		\$ 12,000
	Tecklenburg		\$ 20,000
Tecklenburg Basin work			\$ 50,000
Repair and raise Dam (Bear Creek in Golf Course)			\$ 20,000
PG&E for 7,000 AF			\$140,000

Dual Systems	\$160,000
Riparian Recharge	\$ 30,000
Total	\$820,000

2012

<u>ITEM</u>	<u>COST</u>
4000 feet of 30-inch pipe toward Gill Creek	\$320,000
Tecklenburg Basin work	\$ 50,000
Rent	
CAL FED	\$ 18,000
Hammer	\$ 12,000
Tecklenburg	\$ 40,000
Borings and Engineering	\$ 28,000
PG&E for 8,000 AF	\$160,000
Dual Systems	\$160,000
Riparian Recharge	\$ 30,000
Total	\$818,000

2013

<u>ITEM</u>	<u>COST</u>
2,000 feet of 30-inch pipe to Gill Creek	\$160,000
Engineering	\$ 30,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 40,000
CAL FED area	\$ 18,000
PG&E for 9,000 AF	\$180,000
Fish Screen north side near Camanche	\$250,000
Dual Systems	\$100,000
Riparian Recharge	\$ 30,000
Total	\$820,000

2014

<u>ITEM</u>	<u>COST</u>
Pumping station north side near Camanche	\$150,000
3000 feet of 30-inch pipe toward Coyote Creek	\$250,000
Tecklenburg Basin work	\$ 50,000
Engineering	\$ 30,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
CAL FED area	\$ 18,000

PG&E for 10,000 AF	\$200,000
Riparian Recharge	<u>\$ 30,000</u>
Total	\$800,000

2015

<u>ITEM</u>	<u>COST</u>
1000 feet of 30-inch pipe toward Bear Creek	\$ 80,000
Riparian recharge	\$ 30,000
3000 feet of 30-inch pipe to Coyote Creek	\$250,000
One 50-acre recharge basin on Coyote Creek	\$100,000
Engineering	\$ 50,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
Coyote area area	\$ 10,000
CAL FED Area	\$ 18,000
PG&E for 11,000 AF	<u>\$220,000</u>
Total	\$830,000

2016

<u>ITEM</u>	<u>COST</u>
Pumping station south side near Camanche	\$150,000
1500 feet of 30-inch pipe toward Bear Creek	\$120,000
One 50-acre recharge basin on Bear Creek	\$100,000
Engineering	\$ 50,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
Coyote area	\$ 15,000
CAL FED area	\$ 18,000
Bear Creek area	\$ 16,000
PG&E for 12,000 AF	\$240,000
Riparian recharge	<u>\$ 30,000</u>
Total	\$811,000

2017

<u>ITEM</u>	<u>COST</u>
Riparian recharge	\$ 30,000
1000 feet of 30-inch pipe to Bear Creek	\$ 80,000
Fish screen south side near Camanche	\$250,000
Engineering	\$ 30,000

Rent		
Hammer		\$ 12,000
Tecklenburg area		\$ 60,000
Coyote area		\$ 15,000
CAL FED area		\$ 18,000
Bear Creek area		\$ 16,000
PG&E for 12,000 AF		<u>\$240,000</u>
	Total	\$751,000

2018

<u>ITEM</u>		<u>COST</u>
Riparian recharge		\$ 30,000
1000 feet of 30-inch pipe toward Bear Creek		\$ 80,000
One 10-acre basin on Gill Creek		\$100,000
Engineering		\$ 30,000
Rent		
Hammer		\$ 12,000
Tecklenburg area		\$ 60,000
Coyote area		\$ 15,000
CAL Fed area		\$ 18,000
Gill Creek area		\$ 10,000
Bear Creek area		\$ 16,000
PG&E for 13,000 AF		\$260,000
Improve Gill Creek		<u>\$100,000</u>
	Total	\$731,000

2019

<u>ITEM</u>		<u>COST</u>
Riparian recharge		\$ 30,000
1500 feet of 30-inch pipe to Bear Creek		\$120,000
Engineering		\$ 30,000
Rent		
Hammer		\$ 12,000
Tecklenburg area		\$ 60,000
Coyote area		\$ 20,000
CAL FED Area		\$ 18,000
Gill Creek area		\$ 20,000
Bear Creek area		\$ 16,000
PG&E for 14,000 AF		<u>\$280,000</u>
	Total	\$606,000

2020

<u>ITEM</u>	<u>COST</u>
Riparian recharge	\$ 30,000
Engineering	\$ 50,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
Coyote area	\$ 40,000
CAL FED area	\$ 18,000
Gill Creek area	\$ 20,000
Bear Creek area	\$ 20,000
One 50-acre basin on Coyote Creek	\$100,000
Irrigation Laterals	\$100,000
PG&E for 15,000 AF	<u>\$300,000</u>
Total	\$750,000

2021

<u>ITEM</u>	<u>COST</u>
Riparian recharge	\$ 30,000
Engineering	\$ 50,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
Coyote area	\$ 40,000
CAL FED area	\$ 18,000
Gill Creek area	\$ 20,000
Bear Creek area	\$ 20,000
One 50-acre basin on Bear Creek	\$100,000
Irrigation Laterals	\$100,000
PG&E for 16,000 AF	<u>\$320,000</u>
Total	\$770,000

2022

<u>ITEM</u>	<u>COST</u>
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Riparian recharge	\$ 30,000
Engineering	\$ 50,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
Coyote area	\$ 40,000
CAL FED area	\$ 18,000
Gill Creek area	\$ 20,000
Bear Creek area	\$ 20,000
One 10-acre basin on Gill Creek	\$100,000
Irrigation Laterals	\$100,000
PG&E for 17,000 AF	<u>\$340,000</u>
Total	\$790,000

2023

<u>ITEM</u>	<u>COST</u>
Riparian recharge	\$ 30,000
Engineering	\$ 50,000
Rent	
Hammer	\$ 12,000
Tecklenburg area	\$ 60,000
Coyote area	\$ 40,000
CAL FED area	\$ 18,000
Gill Creek area	\$ 20,000
Bear Creek area	\$ 20,000
Dual Systems	\$100,000
Irrigation Laterals	\$100,000
PG&E for 19,000 AF	<u>\$380,000</u>
Total	\$830,000

Question 13 – Reason Why Construction and/or Use of water Not Completed within Time Previously Allowed

The District has not been able to put its permitted water to full beneficial use for a number of reasons. First, the District's water supply is temporary and subject to divestment through EBMUD placing its entire permitted amount to beneficial use. Because the supply is temporary, water users within the District are reluctant to expend money to install surface water pumping facilities.

The District has sought since its formation to obtain surface water to divert onto the District lands to offset the overdraft and deficiencies brought about by sole dependence on groundwater resources. Agricultural users and more than 60,000 water users in the City of Lodi rely upon this long overdrafted groundwater basin as their sole water source. On December 2, 1948, the District filed Application 12842 to divert 50,000 acre feet from the Mokelumne River for irrigation, domestic, municipal, recreational and industrial

purposes. This application and competing later applications made by EBMUD (Application 13156 and 15201) and Calaveras County Water District (Application 12953 and 13265) was the subject of Water Right Decision 858, rendered on June 3, 1956.

In D-858, the District was denied the right to a permanent firm water supply even though the District's application was filed prior to EBMUD's application. The District was granted a temporary permit for delivery and storage of Mokelumne River water surplus to the needs of EBMUD. The District was told in that decision to look to the American River for a permanent source of surface water as it was felt that the District could be served more economically from the American River than by developing a permanent facility on the Mokelumne River. EBMUD was given the priority for Mokelumne River water to be used for export out of the Mokelumne River watershed upon the State Engineer's assurance that the District had another available source in the overall California water plan.

In reliance upon the direction of the State Engineer to look to the American River as a permanent source of supplemental surface water, the District filed Application Nos. 12440 and 12441 for direct diversion and storage from the American River for municipal, domestic recreations, industrial and irrigation purposes. The District's applications were denied in Water Right Decision 893 on March 18, 1958 by the State Water Rights Board in favor of the United States Bureau of Reclamation (Bureau). The District was directed to look to the Bureau for a water service contract for water delivery.

The Bureau's plan contemplated construction of the Folsom South Canal to deliver American River waters to Southern Sacramento County and San Joaquin County, including the District. The Congress authorized the Auburn-Folsom South Unit in 1965, and construction of Folsom South Canal began thereafter, with its current terminus at Rancho Seco. No further construction has been undertaken in the last 44 years as contemplated by the Bureau.

In compliance with the direction of the State Water Rights Board in D-893, the District actively negotiated with the Bureau during the late 1960's and early 1970's for a water service contract. Forty-two (42) years have elapsed since D-893 and the District still has no water service contract with the Bureau and there is no Folsom South Canal connection to San Joaquin County and no supplemental supply of surface water. In 2009, the State Water Board revoked the Bureau's water rights for the Auburn Dam Project, so at this point American River water is no longer an option for the District.

It is important to note that the Eastern San Joaquin County groundwater basin is considered by the State of California to be in a critical state of overdraft (Bulletin 118-80). There are only 11 such basins in the State of California. The groundwater table within the District has continued to seriously decline because of the lack of reliable surface water and the District's reliance on groundwater as its primary source of water. The resulting affect is the endangerment of the water supply of the District, including the domestic and municipal water supply of the City of Lodi. If groundwater continues to be the sole source of water to the District, the threat of destruction of the basin will persist resulting in enormous economic impact to agricultural, and municipal and industrial users with the District and Eastern San Joaquin area.

The District has taken a proactive role over the last extension period to develop projects that will assist in placing its full amount of water to beneficial use and working on

bringing additional water supplies to the District on a conjunctive use basis. The District has sought and obtained funding necessary to implement those projects as detailed in Section 11 above. As a result, the District has not only exercised due diligence in placing the water to full beneficial use, but by granting an extension the public interest would be well served as it would permit the District to implement its conjunctive use projects thereby placing more water into the critically overdrafted groundwater basin.