



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

92247-11C

July 12, 2010

Richard Woodley
Regional Resources Manager
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825-1898

Dear Mr. Woodley:

LICENSING INSPECTION REPORT AND PROPOSED DRAFT LICENSE FOR U.S. BUREAU OF RECLAMATION PERMIT 16584 (APPLICATION 18733) ON THE FRESNO RIVER IN MADERA COUNTY

The purpose of this letter is to transmit the enclosed licensing inspection report and proposed draft license (Attachment 6 of the Report Appendix) for the U.S. Bureau of Reclamation's (Reclamation) Water Right Permit 16584. The report was developed after Division of Water Rights (Division) staff conducted licensing inspections on November 6 and 14, 2008 and July 9, 2009 and participated in a Fresno River Hidden Dam Licensing Working Group (Working Group) consisting of the following participants:

Division of Water Rights	U.S. Bureau of Reclamation	Madera Irrigation District	Downstream Riparian Water Users
Richard Satkowski, Working Group Chair, Engineer	Jim Turner, Counsel	Michael Campos, Counsel	Michael Nordstrom, Triangle T Ranch, Counsel
Kevin Long, Project Engineer	Janice Webb, Water Rights Specialist	Lance Johnson, General Manager	Dick Schafer, Harman Brothers/ Menefee Ranch, Engineer
David Rose, Counsel	Edward Salazar, Engineer	Dick Tzou, Engineer	Michael Tharp, Harman Brothers/ Menefee Ranch, Engineer
	Darrin Williams, Engineer		Doug Jensen, Costa View Farms, Counsel
	Michael Jackson, Regional Area Manager		Dennis Keller, Costa View Farms, Engineer
	Barbara Hidleburg, Repayment Specialist		
	Valerie Curley, Contract Admin. Chief		

Since April 2009, the Working Group has held ten meetings and completed over 160 action items to carry out its mission to determine, for Permit 16584, the (1) storage and withdrawal licensing volumes, (2) licensing terms and conditions and (3) compliance with the permit's terms and conditions, and (4) water right petitions needed to amend the permit for consistency with project development and existing operations.

Permit 16584 authorizes Reclamation to store up to 74,000 acre-feet (AF) at Hensley Lake on the Fresno River for irrigation, domestic, and recreational uses from December 1 of each year to April 30 of the succeeding year. The storage season may be extended to include the months of May and November provided that (1) Reclamation releases equivalent exchange water from the Madera Canal to satisfy prior rights, and (2) a minimum pool of 5,000 AF is maintained. Hensley Lake is formed by Hidden Dam, which is operated by the U.S. Army Corps of Engineers. The Madera Irrigation District (District) has contracted with Reclamation for the entire yield of Hensley Lake and manages the project locally on behalf of Reclamation.

The time required to perform the licensing analysis was largely influenced by the uniqueness of the project, which includes the following:

- One point of diversion at Hensley Lake (Hidden Dam) and 27 points of redirection;
- A 1905 Decree by the Mariposa County Superior Court, which provides for import of Big Creek water, which is tributary to the Merced River;
- A 1916 Decree by the Madera County Superior Court, which provides the District with a priority of up to 200 cubic feet per second of Fresno River water over the Downstream Riparians;
- Import of water into the Fresno River watershed under the 1905 and 1916 Decrees from (1) Big Creek, which is tributary to the Merced River, and (2) North Fork Willow Creek, which is tributary to the San Joaquin River;
- Import of purchased Reclamation water (via the Madera Canal) and flood waters from the San Joaquin River;
- Pre-1914 (District) water and Post-1914 (Reclamation) water stored in Hensley Lake;
- State Water Resources Control Board (State Water Board) Order WR 99-001 directing Reclamation to release sufficient water to satisfy the rights of the Downstream Riparians;¹ and
- Disagreements by the Working Group parties on how to (1) interpret the 1916 Decree, (2) incorporate riparian acreage, and (3) estimate losses and irrigation demand in the various river reaches.

The proposed draft license for Permit 16584 is based on demonstrated beneficial use made prior to December 1, 1990. The draft license contains several adjustments to Permit 16584 as summarized below:

1. Storage: Permit 16584 allows Reclamation to store up to 74,000 AF of water per year from the Fresno River. As shown in Figures 2 and 3 of the licensing inspection report, 80,280 AF and 67,873 AF were stored in Hensley Lake in water years 1978 and 1983, respectively. According to the District, Reclamation is storing Pre-1914 water in Hensley Lake in addition to the water it stores under Permit 16584. The California Code of Regulations² state that "[a] person who claims an existing right to the use of water shall be granted a permit or license to appropriate no more water than is needed over that which is available under the existing right to meet the beneficial use requirements of the project." Consequently, if storage of water natural to the Fresno River is authorized under existing District Pre-1914 rights, then Reclamation stored **53,800 AF** under the permit in water year 1983. If storage is authorized under the permit only, then Reclamation stored **71,600 AF** under the permit in water year 1978.

¹ State Water Resources Control Board Order WR 99-001 did not include Costa View Farms as a Downstream Riparian water user.

² Title 23, California Code of Regulations, section 731(a).

2. Place of Use (POU): The POU description for irrigation use was reduced based on information from the District. The POU for irrigation is 44,660 acres net within a gross area of 48,543 acres as shown on the map submitted as District Drawing D-376.³ The POU for domestic use is within 48,543 acres of the District's service area. The POU for recreational use at Hensley Lake remains unchanged.
3. Points of Re-Diversion (PORD): The PORD locations were provided by the District. Licensing of Permit 16584 is contingent upon Reclamation submitting a Petition for Change⁴ to add 12 Fresno River and 15 Cottonwood Creek PORDs, and the State Water Board approving the petition. Depending on the construction or placement dates of the PORDs, Reclamation may also need to file a Petition for Extension of Time.⁵

Action Required:

No action is required by Reclamation at this time. In the near future, the Division will provide the results of the Division's compliance review of Permit 16584's terms and conditions. Please note that diversion in violation of a water right term or condition may constitute an unauthorized diversion subject to enforcement.

If you have any questions, please contact me at (916) 341-5439, or Kevin Long, the engineer assigned to this project, at (916) 341-5346.

Sincerely,

ORIGINAL SIGNED BY:

Richard Satkowski, Chief,
Licensing Unit and Working Group Chair

Enclosure: Licensing Inspection Report (with attached draft license)

cc: See next page.

³ The District developed the map on Reclamation's behalf. The District may revise the map to satisfy Reclamation's map requirements.

⁴ Pursuant to Water Code section 1700.

⁵ On January 21, 2010, Division staff asked the District for the construction or placement dates of the PORDs. To date, the District has not provided the dates.

cc: (with enclosures)

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**Report of Inspection
for
Licensing of U.S. Bureau of Reclamation
Permit 16584 (Application 18733)
on the Fresno River in Madera County**



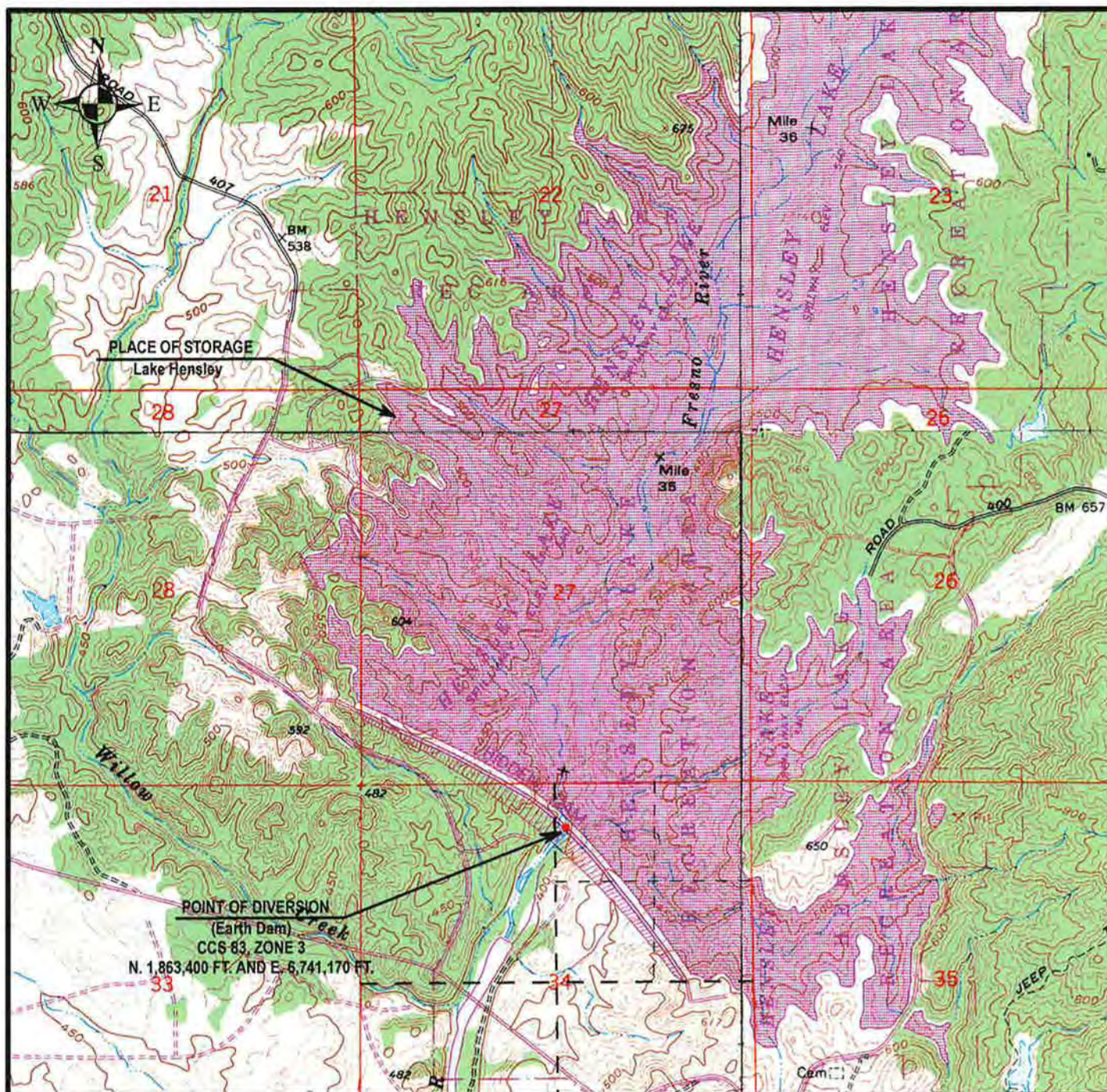
July 12, 2010

**State Water Resources Control Board
Division of Water Rights**

in collaboration with the

Fresno River Hidden Dam Licensing Working Group

Figure 1 - Hensley Lake/Hidden Dam Reservoir Location Map



OWNER U.S. BUREAU OF RECLAMATION

SOURCE FRESNO RIVER

POINT OF DIVERSION

WITHIN NW 1/4 OF NE 1/4 OF

SECTION 34, T9S, R19E, MDB&M

COUNTY OF MADERA

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION NO. 18733

PERMIT NO. 16584

LICENSE

U.S.G.S. QUAD: DAULTON

MAP DATE: P.R. 1981

SCALE: 1:24,000

INSP. DATE:
11/6/08INSPECTED BY:
K. LONGCHECKED BY:
M. MEZA

This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

Attachment 1 – Photographs and Descriptions of Fresno River Point of Diversion and Points of Rediversion

Hidden Dam Point of Diversion on at Fresno River Mile 33.9 – By California Coordinate System of 1983, Zone 3, North 1,863,400 feet and East 6,741,170 feet, being within NW¼ of NE¼ of Section 34, T9S, R19E, MDB&M.

Imagery from eWRIMS GIS



1. Adobe Ranch Pump Point of Rediversion on Fresno River at River Mile 28.4

North 1,840,670 feet and East 6,726,220 feet, being within SW¼ of NE¼ of Section 19, T10S, R19E, MDB&M.

Photo courtesy of Madera Irrigation District

2. DMP Development Corp Point of Rediversion on Fresno River at River Mile 26

North 1,832,030 feet and East 6,717,770 feet, being within SW¼ of SW¼ of Section 25, T10S, R18E, MDB&M.

Photo courtesy of Madera Irrigation District



2.B. Stoetzel Ranch Pump Point of Rediversion on Fresno River at River Mile 24.6

North 1,828,540 feet and East 6,712,160 feet, being within NE¼ of SE¼ of Section 34, T10S, R18E, MDB&M.

Photo courtesy of Madera Irrigation District

Attachment 6



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 18733
Page 1 of 6

PERMIT 16584

LICENSE

THIS IS TO CERTIFY, That

U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

has made proof as of **November 6, 2008** (the date of inspection) to the satisfaction of the State Water Resources Control Board (State Water Board) of a right to the use of the waters of **Fresno River** in **Madera County**

tributary to **San Joaquin River** for the purposes of **Irrigation and Domestic uses**

under Permit **16584** of the State Water Board; that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the State Water Board, and the permit terms; that the priority of this right dates from **May 22, 1959**; and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **Seventy one thousand six hundred (71,600) acre-feet per annum to be collected from December 1 of each year to April 30 of the succeeding year, provided the diversion season may be extended to include the Months of November and May when equivalent exchange water has been or will be released from the Madera Canal into the Fresno River within 30 days. The maximum withdrawal in any one year shall not exceed 84,300 acre-feet.**

If water is stored under existing rights, then the amount hereby confirmed shall not exceed Fifty three thousand eight hundred (53,800) acre-feet per annum. The maximum withdrawal in any one year shall not exceed 66,600 acre-feet.

The capacity of the reservoir covered by this license shall not exceed 90,259 acre-feet

This license does not authorized collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Diversion to storage under existing rights held by Madera Irrigation District shall be appropriated only in accordance with law.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 3, North 1,863,400 feet and East 6,741,170 feet, being within NW¼ of NE¼ of Section 34, T9S, R19E, MDB&M.

THE POINTS OF REDIVERSION OF SUCH WATER ON THE FRESNO RIVER ARE LOCATED:

By California Coordinate System of 1983, Zone 3, North 1,840,670 feet and East 6,726,220 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19, T10S, R19E, MDB&M (FRM 28.4; Adobe Ranch pump).

By California Coordinate System of 1983, Zone 3, North 1,832,030 feet and East 6,717,770 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T10S, R18E, MDB&M (FRM 26; DMP Development Corp et al pump).

By California Coordinate System of 1983, Zone 3, North 1,828,540 feet and East 6,712,160 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T10S, R18E, MDB&M (FRM 24.6; Stoetzel Ranch pump # 2B).

By California Coordinate System of 1983, Zone 3, North 1,827,130 feet and East 6,708,990 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, T10S, R18E, MDB&M (FRM 23.8; Island Tract pump).

By California Coordinate System of 1983, Zone 3, North 1,823,490 feet and East 6,705,570 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T11S, R18E, MDB&M (FRM 22.9; Herman and DaSilva pump).

By California Coordinate System of 1983, Zone 3, North 1,823,040 feet and East 6,704,740 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T11S, R18E, MDB&M (FRM 22.8; DeBenedetto Ranch pump).

By California Coordinate System of 1983, Zone 3, North 1,825,960 feet and East 6,707,800 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T11S, R18E, MDB&M (FRM 23.5; Rancho Bella Vista pump).

By California Coordinate System of 1983, Zone 3, North 1,825,900 feet and East 6,707,800 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T11S, R18E, MDB&M (FRM 23.49; Isla Vista Farms, LLC pump).

By California Coordinate System of 1983, Zone 3, North 1,819,110 feet and East 6,701,780 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, T11S, R18E, MDB&M (FRM 22.5; Madera Thoroughbreds pump).

By California Coordinate System of 1983, Zone 3, North 1,817,200 feet and East 6,700,170 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, T11S, R18E, MDB&M (FRM 22; Franchi Diversion Dam).

THE MOVABLE POINTS OF REDIVERSION OF SUCH WATER ON THE FRESNO RIVER ARE LOCATED:

By California Coordinate System of 1983, Zone 3, North 1,828,540 feet and East 6,712,170 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T10S, R18E, MDB&M (FRM 24.6; Stoetzel Ranch pump # 2C).

By California Coordinate System of 1983, Zone 3, North 1,829,320 feet and East 6,714,070 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T10S, R18E, MDB&M (FRM 25; Stoetzel Ranch pump # 2D).

THE POINTS OF REDIVERSION OF SUCH WATER ON COTTONWOOD CREEK ARE LOCATED:

By California Coordinate System of 1983, Zone 3, North 1,786,790 feet and East 6,696,530 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T12S, R18E, MDB&M (Singh Ranch pump).

By California Coordinate System of 1983, Zone 3, North 1,785,190 feet and East 6,686,170 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T12S, R17E, MDB&M (Campos Land Co. et al pump).

By California Coordinate System of 1983, Zone 3, North 1,785,070 feet and East 6,680,860 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T12S, R17E, MDB&M (High and Mighty Farms pump).

By California Coordinate System of 1983, Zone 3, North 1,785,680 feet and East 6,672,340 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T12S, R17E, MDB&M (Cavaletto pump).

By California Coordinate System of 1983, Zone 3, North 1,784,310 feet and East 6,670,860 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T12S, R17E, MDB&M (Prosperi pump).

By California Coordinate System of 1983, Zone 3, North 1,781,710 feet and East 6,667,680 feet, being within NW¼ of SE¼ of Section 17, T12S, R17E, MDB&M (La Vina Ranch pump # 2B).

By California Coordinate System of 1983, Zone 3, North 1,781,700 feet and East 6,667,750 feet, being within NW¼ of SE¼ of Section 17, T12S, R17E, MDB&M (La Vina Ranch pump # 2C).

By California Coordinate System of 1983, Zone 3, North 1,780,410 feet and East 6,665,030 feet, being within SW¼ of SW¼ of Section 17, T12S, R17E, MDB&M (La Vina Ranch pump # 3).

By California Coordinate System of 1983, Zone 3, North 1,780,380 feet and East 6,664,960 feet, being within SE¼ of SE¼ of Section 18, T12S, R17E, MDB&M (La Vina Ranch pump # 4).

By California Coordinate System of 1983, Zone 3, North 1,777,750 feet and East 6,661,040 feet, being within SW¼ of NW¼ of Section 19, T12S, R17E, MDB&M (Nolo Farms II, LLC pump).

By California Coordinate System of 1983, Zone 3, North 1,784,040 feet and East 6,670,370 feet, being within NW¼ of NW¼ of Section 16, T12S, R17E, MDB&M (CWC Lateral Diversion Dam).

By California Coordinate System of 1983, Zone 3, North 1,780,140 feet and East 6,665,130 feet, being within SW¼ of SW¼ of Section 17, T12S, R17E, MDB&M (South Lateral Diversion Dam).

By California Coordinate System of 1983, Zone 3, North 1,784,340 feet and East 6,677,240 feet, being within NE¼ of NW¼ of Section 15, T12S, R17E, MDB&M (Galeener Ditch Diversion Dam).

By California Coordinate System of 1983, Zone 3, North 1,783,810 feet and East 6,678,210 feet, being within NE¼ of NW¼ of Section 15, T12S, R17E, MDB&M (Hargrove Ditch Diversion Dam).

By California Coordinate System of 1983, Zone 3, North 1,785,640 feet and East 6,683,550 feet, being within SE¼ of SW¼ of Section 11, T12S, R17E, MDB&M (Mordecai Ditch Diversion Dam).

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Irrigation of 44,660 acres net within a gross area of 48,543 acres, and Domestic use all within the

- Franchi Dam/Big Main Canal;
- Fresno River Take Out #'s 1, 2, 2B, 2C, 2D, 3, 4, 5, 6, 7 & 8; and
- Cottonwood Creek Take Out #'s 1A, 1B, 1C, 2, 2A, 2B, 2C, 3, 4, 10S, 11, 12, 13, 14 & 15

service areas of the Madera Irrigation District, as shown on map (M.I.D. Drawing No. D-376) filed with the State Water Resources Control Board. Recreational use at Hensley Lake Reservoir within Sections 13, 14, 22, 23, 26, 27, 28, 34 and 35, T9S, R19E, MDB&M.

Storage of water under this license, which occurs by reason of furnishing a substitute supply of water to owners of prior downstream water rights, shall not constitute an abandonment or loss of the downstream owners' rights, nor create a right to store water hereunder when a substitute supply is not furnished the downstream owner under an existing contract with said owner.

(0000800)

This license shall be subject to appropriations by storage upstream from Hidden Reservoir with a priority subsequent to May 22, 1959 for stockwatering and recreational purposes, provided the individual capacity of reservoirs for such purposes does not exceed 10 acre-feet and the reservoirs are kept free of phreatophytes

(0230800)

In addition to the reservation in the preceeding paragraph, this license shall be subject to depletion of flow into Hidden Reservoir of 2,000 acre-feet per annum by upstream appropriations with a priority subsequent to May 22, 1959.

(0230800)

The Board reserves jurisdiction over this license for the purpose of approving terms and conditions of agreements authorizing substitution of Madera Canal water for Fresno River water which have been formulated by the parties for protection of existing downstream water rights. Licensee shall submit to the Board agreements reached with owners of downstream rights to the flow of the Fresno River. The Board may, at any time, on its own motion or at the request of protestants or interested parties, hear, review, and make such further order as may be necessary.

(0000600)

A minimum pool of 5,000 acre-feet shall be maintained at all times for recreational use.

(0540071)

The reservoir shall be kept open to the public for recreational use, subject to reasonable charge for any services or facilities that are provided by the licensee. Failure to allow public access may result in revocation of this license or reduction in the amount of water that may be stored.

(0030045)

Licensee shall maintain in the reservoir a staff gage, satisfactory to the Chief of the Division of Water Rights, for the purpose of determining water levels in the reservoir. ~~Licensee shall record the staff gage reading(s) on or about [DATE] of each year.~~

~~The readings shall be supplied to the SWRCB with the next Report of Licensee by the licensee.~~

(0070047)

Licensee shall maintain the existing outlet pipes for Hidden Reservoir in proper working order.

(0050800)

The maximum withdrawal in any twelve-month period from Hidden Dam/Hensley Lake Reservoir has been 84,300 acre-feet. Water held behind Hidden Dam and subsequently withdrawn for use can include (1) water stored under this license, and (2) water stored under existing pre-1914 rights held by Madera Irrigation District. The inclusion of this term does not quantify or qualify the existing rights of Madera Irrigation District.

(9999999)

Diversion to storage under existing rights held by Madera Irrigation District shall be appropriated only in accordance with law.

(9999999)

The Licensee shall submit to the State Water Board within one year of issuance of this license a report that details how much water is available to store under this license once senior downstream rights have been satisfied, and a method for determining how much water is stored under this License and how much is stored under existing rights held by Madera Irrigation District. Future Reports of Licensee shall specify how much water was stored under (1) this License, and (2) existing rights

(9999999)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee 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 license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water 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 State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water 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.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water 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 State Water 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.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license 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.

Attachment 10

USBR Hidden Dam Project Licensing Action Items

Updated July 12, 2010

Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
50	Legal	Respond to District's Jul 13, 2009 and Sep 11, 2009 Pre-1914 letters, which responds to the Div's Jun 3, 09 letter	Division / David Rose	Jul 14, 2009	Jul 1, 2010	Ongoing
		Note: the responses will be included in the Licensing Compliance Review letter.				
107	Meeting	Set-up brainstorming meeting on Fresno River Operational Protocols.	Dick Tzou / Mike Campos	Oct 21, 2009	TBD	
108	Operations	Draft Fresno River Operational Protocols based on brainstorming meeting.	Bureau, District, DS Riparians	Oct 21, 2009	TBD	
137	Analysis	Submit final stamped licensing POU maps (including 1 Mylar and 2 paper versions).	Dick Tzou	Jan 13, 2010	Apr 1, 2010	Ongoing
		Note: the Jan 2010 draft map will be used until the District submits the "final" version. The District may revise the map to satisfy the Bureau's map requirements.				
146	Analysis	Determine Reach 7 water "demand" (vs entitlement) for 2002-2009.	Mike Nordstrom	Mar 8, 2010	Apr 1, 2010	Ongoing
150	Analysis	Perform analysis to determine whether storage of Pre-1914 water causes injury to legal users of water.	Dick Tzou	Mar 8, 2010	TBD	
160	Legal	Forward email to Kevin/Rich on web access to the generic Statement of Water Diversion and Use forms.	Dennis Keller	Jun 14, 2010	Jun 21, 2010	Ongoing
161	Legal	Forward letter on the need for Statements for Pre-1914 water Points of Diversions (PODs).	Mike Campos	Jun 14, 2010	Jul 1, 2010	Ongoing
164	Analysis	Forward data on Road 9 deliveries. (requested by Doug Jensen.)	Dick Tzou	Jun 14, 2010	Jul 1, 2010	Ongoing

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
1	Inspection	Review project records and licensing data.	Division	Sep 2008	Nov 1, 2008	Nov 1, 2008
2	Inspection	Inspect Hidden Dam and Fresno River to Road 9.	Division, Bureau, District	Sep 2008	Nov 6, 2008	Nov 6, 2008
3	Inspection	Inspect Downstream Riparian diversions and acreage.	Division, DS Riparians	Sep 2008	Nov 14, 2008	Nov 14, 2008
4	Meeting	Meet on Fresno River issues.	Bureau, District	Dec 2008	Dec 2008	Dec 2008
5	Legal	Forward (to Division Legal) Bureau question of required releases if no demand.	Rich Satkowski	Dec 2008	Jan 8, 2009	Jan 8, 2009
6	Meeting	Meet on licensing issues.	Division, Bureau, District	Jan 2009	Jan 21, 2009	Jan 21, 2009
7	Meeting	Meet on licensing issues.	Division, DS Riparians	Jan 2009	Jan 23, 2009	Jan 23, 2009
8	Legal	Prepare write-up on Fresno River Decree interpretation.	Bureau, District	Jan 23, 2009	Feb 2009	Feb 2009
9	Analysis	Evaluate Big Creek and Soquel diversions.	Kevin Long	Feb 2009	Feb 2009	Feb 2009
10	Legal	Draft Fresno River Decree Interpretation Issue Paper and forward Issue Paper to Division management.	Rich Satkowski, Kevin Long	Jan 23, 2009	Mar 2009	Mar 2009
11	Meeting	Meet on Fresno River Issues.	Bureau, District, DS Riparians	Mar 2009	Apr 13, 2009	Apr 13, 2009
12	Analysis	Determine licensing storage/withdrawal amounts.	Kevin Long	Feb 2009	Apr 27, 2009	Apr 27, 2009
		Note: preliminary values are 71,600 AF for storage & 85,900 AF for w/d based on Decree water storage & w/d assumptions.				
13	Legal	Forward Decree Issue Paper to Division's Legal Staff.	Rich Satkowski	Apr 2009	Apr 30, 2009	Apr 22, 2009
14	Analysis	Run Bureau Op Model (using 2008).	Bureau	Mar 2009	Apr 29, 2009	Apr 29, 2009
15	Meeting	Meet on modeling and licensing results on Apr 27, 2009 at the District's (Mike Campos') office in Sacramento.	All	Apr 2009	Apr 29, 2009	Apr 29, 2009
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Michael Jackson, Area Manager (via phone) Barbara Hidleburg, Repayment Specialist Edward Salazar, Engineer Darrin Williams, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dick Schafer, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
17	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Apr 27, 2009	May 1, 2009	Apr 28, 2009
18	Analysis	Determine whether Fresno R. water is being stored under Pre-1914/Decreed rights and whether the water should be quantified / subtracted from 71,600 AF storage amt.	Kevin Long	Apr 27, 2009	May 8, 2009	May 8, 2009
19	Analysis	Modify Bureau's model to (1) use imports water along with Fresno River water and (2) ensure Issue Paper Table 1 values are used for Big Creek.	Bureau	Apr 27, 2009	May 8, 2009	Jun 9, 2009
22	Analysis	Find out and report on how the SJR CALSIM model accounts for soil moisture deficits and efficiency values.	Dick Tzou	Apr 27, 2009	May 8, 2009	Jun 9, 2009
23	Analysis	Collaborate and decide on model efficiency value(s) (between 64-85%). Note: collaboration occurred, but no agreement was made on model efficiency value(s).	Bureau, District, DS Riparians	Apr 27, 2009	May 8, 2009	Jun 9, 2009
25	Analysis	Determine draft assumptions for the 2002-08 model runs for consideration by the Committee at the next meeting.	Division	Apr 27, 2009	Jun 9, 2009	Jun 9, 2009
26	Legal	Obtain Division legal opinion on Decree interpretation.	Rich Satkowski	Apr 27, 2009	May 8, 2009	May 8, 2009
27	Legal	Obtain Division legal opinion on Bureau question of required releases if no riparian demand.	Rich Satkowski	Apr 27, 2009	May 8, 2009	May 1, 2009
		Note: on Jun 9, 09, the DS Riparians agree to provide the Bureau with their water demands in writing by Dec 31 of each year.				
28	Legal	Review the proposed 2009 Operations Agreement and contact Michael Campos.	Dick Schafer	Apr 27, 2009	May 1, 2009	May 1, 2009
29	Legal	Collaborate on the proposed 2009 Operations Agreement.	Bureau, District, DS Riparians	Apr 27, 2009	May 1, 2009	May 1, 2009
		Note: Agreement signed by Bureau, District and Triangle T. Dick Schafer, Harman Ranch & Menefee Ranch rep, disagreed with the Agreement language and, consequently, did not sign it. The signers agreed to abide by the Agreement in 2009.				
30	Legal	Respond to District's March 26, 2009 Letter on storing Big Creek water in Hensley Lake.	Division	Apr 27, 2009	Jun 9, 2009	Jun 3, 2009
32	Inspection	Set-up Big Creek and Soquel diversion inspection date. Note: Inspection date is July 9, 2009	Dick Tzou	Apr 27, 2009	Jun 9, 2009	Jun 9, 2009
35	Legal	Review the "capacity" definition in Board Order 99-01 to determine whether the Bureau is required to make 100 cfs available at Road 9.	Rich Satkowski	Apr 27, 2009	Jun 9, 2009	May 15, 2009
		Note: Division staff concluded that the Bureau is only required to make the "operational" capacity of 60 cfs available at Road 9. On May 14, 2009, Dick Schafer forwarded a letter to the Division disagreeing with the Division staff's conclusion.				
36	Equipment	Review project files to determine if a Control Structure letter was sent to the State Reclamation Board.	Kevin Long	Apr 27, 2009	Jun 9, 2009	May 1, 2009

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
37	Meeting	Meet on modeling and licensing results on Tue, Jun 9, 2009 at 10 a.m. at the Bureau's office in Fresno.	All	Apr 27, 2009	Jun 9, 2009	Jun 9, 2009
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Michael Jackson, Area Manager Edward Salazar, Engineer Darrin Williams, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dick Schafer, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			
31	Equipment	Decide on need for installing Big Creek flow gage.	All	Apr 27, 2009	Jul 31, 2009	Jul 14, 2009
33	Inspection	Inspect Big Creek and Soquel ditch diversion locations. Inspection is scheduled for Thu, Jul 9, 2009.	All	Apr 27, 2009	Jul 31, 2009	Jul 9, 2009
38	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Jun 9, 2009	Jun 16, 2009	Jun 11, 2009
40	Analysis	Review and revise Op Model and forward to participants.	Bureau	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009
41	Analysis	Add additional Op Model documentation to Narrative.	Bureau	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009
42	Analysis	Review and comment on revised Op Model.	All	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009
43	Analysis	Review District Model for Riparian demand data and provide to participants.	Dick Tzou	Jun 9, 2009	Jul 14, 2009	Jul 8, 2009
48	Legal	Forward Pre-1914 Statement 5005 of Costa View Farms to participants.	Kevin Long	Jun 9, 2009	Jul 14, 2009	Jun 11, 2009
49	Legal	Obtain Division's official Decree interpretation and forward to participants.	Division	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009
		Note: Division staff are awaiting a formal decision on the interpretation from Division management. Until the formal decision is received, Division staff are assuming the interpretation by the Bureau and District (Alternative 2) is the proper interpretation.				
50	Analysis	Revise the draft assumptions for the 2002-08 model runs for consideration by the Committee at the next meeting. Include Triangle T and Menefee rights.	Rich Satkowski	Jun 9, 2009	Jul 14, 2009	Jul 7, 2009
51	Analysis	Forward District map showing the original 14,000 acres to participants.	Dick Schafer	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009
52	Legal	Forward timeline on 2009 Op Agreement collaboration to participants.	Michael Nordstrom	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
53	Legal	Respond to Division's Jun 3, 2009 Letter on converting Pre-1914 entitlements to storage in Hensley Lake.	Mike Campos / Lance Johnson	Jun 9, 2009	Jul 14, 2009	Jul 13, 2009
54	Analysis	Forward storage and withdrawal licensing analysis to participants.	Kevin Long	Jun 9, 2009	Jun 25, 2009	Jun 11, 2009
55	Analysis	Identify Madera Canal flood flows vs. purchase supply.	District	Jun 9, 2009	Jun 25, 2009	Jun 25, 2009
56	Meeting	Meet on modeling and licensing results on Jul 14, 2009 (originally set for Jun 25, 2009) in Sacramento.	All	Jun 9, 2009	Jul 14, 2009	Jul 14, 2009
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Edward Salazar, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager (by phone) Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dick Schafer, Harman Ranch & Menefee Ranch, Representative Michael Tharp, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			
16	Analysis	Complete Draft Licensing Report.	Kevin Long	Apr 1, 2009	Sep 1, 2009	Aug 20, 2009
24	Equipment	Contact the USCOE to find out the cost of fixing/replacing the Hidden Dam low flow valve gate. Ask the Division to send a letter, if necessary.	Bureau	Apr 27, 2009	Sep 1, 2009	Aug 20, 2009
		Note: On Jun 9, 2009, the Downstream Riparians stated that "pulsing" of reservoir bypasses within a 90-day period to provide equivalent supply water is satisfactory for their needs. Note: the Bureau received word from the COE that they will deal with the cavitation issue and use the low-flow gate.				
39	Analysis	Examine and document Op Model Reach 3 demands.	Bureau	Jun 9, 2009	Aug 20, 2009	Aug 20, 2009
44	Analysis	Add District's Model Riparian demand data to the Bureau's Op Model, if possible. Note: for both models, the riparian data is the same.	Bureau	Jun 9, 2009	Aug 20, 2009	Aug 20, 2009
45	Analysis	Review Conveyance Efficiency and On-Farm Efficiency estimates and report to participants.	Division	Jun 9, 2009	Aug 20, 2009	Aug 20, 2009
46	Equipment	Prepare a draft letter to the Central Valley Flood Protection Board on restoring the Road 9 Control Structure operational capacity to the 100 cfs capacity.	Rich Satkowski	Jun 9, 2009	Aug 20, 2009	Aug 20, 2009
48	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Jul 14, 2009	Jul 21, 2009	Jul 16, 2009

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
51	Legal	Identify Decision 99-01 information on Bureau releases to meeting Downstream Riparians' demands vs. flows to get the water to the San Joaquin River. Note: this information is not in 99-01.	Mike Campos	Jul 14, 2009	Aug 20, 2009	Aug 20, 2009
52	Analysis	Determine how often the Corps stored water in wet years to prevent flooding.	District, Bureau	Jul 14, 2009	Aug 20, 2009	Aug 20, 2009
53	Legal	Determine if a Warren Act contract is needed to store Big Cr., Willow Cr. and/or Fresno River Pre-1914 water.	Bureau	Jul 14, 2009	Aug 20, 2009	Aug 20, 2009
55	Analysis	Comment on Division's licensing analysis for 1983. Note: the District has determined that the 11 cfs Big Creek diversion canal flow occurred due to a log jam, which impeded flow through the canal.	Bureau, District, Downstream Rips	Jul 14, 2009	Aug 20, 2009	Aug 20, 2009
56	Analysis	Comment on Bureau's revisions to the Model/Narrative.	All	Jul 14, 2009	Jul 28, 2009	Aug 20, 2009
58	Analysis	Forward the link to the District's report documenting the "conveyance" and "application" irrigation efficiencies. Note: the District provided conveyance efficiency data.	Dick Tzou	Jul 14, 2009	Jul 28, 2009	Aug 20, 2009
59	Analysis	Forward 2002-2008 District records showing Madera Canal flood flows vs. purchase supply from Friant Res.	Dick Tzou	Jul 14, 2009	Jul 28, 2009	Aug 20, 2009
60	Meeting	Meet on modeling and licensing results on Aug 20, 2009 in Fresno. Note: if Doug Jensen's meeting room is not available, contact Modesto ID or Turlock ID.	All	Jul 28, 2009	Aug 20, 2009	Aug 20, 2009
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Edward Salazar, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) Barbara Hidleburg, Repayment Specialist <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Dick Tzou, Engineer			<u>Riparian Participants:</u> Doug Jensen, Costa View Farms, Legal Counsel Dennis Keller, Costa View Farms, Engineer Dick Schafer, Harman Ranch & Menefee Ranch, Representative Michael Tharp, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			
20	Analysis	Write-up description of model losses from Franchi Diversions. Note: on April 29, 2009 the Bureau informed Division staff that they also intend to prepare a narrative description of the complete model.	Bureau	Apr 27, 2009	Sep 21, 2009	Sep 21, 2009
49	Legal	Respond to the "3-bullet" paragraph in the Division's Jun 3, 2009 on converting Pre-1914 entitlements to storage.	Mike Campos / Lance Johnson	Jul 14, 2009	Sep 21, 2009	Sep 11, 2009

Completed Action Items

#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
54	Analysis	Forward District's Jul 8, 2009 letter to participants on the riparian demand used in the District Model.	Mike Campos	Jul 14, 2009	Sep 21, 2009	Aug 27, 2009
57	Analysis	Add model column to account for split of Friant R. water.	Ed Salazar	Jul 14, 2009	Jul 28, 2009	Sep 21, 2009
61	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Aug 20, 2009	Aug 27, 2009	Aug 25, 2009
63	Legal	Interpret the Decree assuming all No. Fork Willow Creek Pre-1914 water is left in the San Joaquin R. system. Note: Division staff stated that the same calculations as in the USBR's/District's assumptions of Alt 2 will apply.	Division	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009
64	Legal	Resend the Division legal opinion email on the Bureau question of required releases with no riparian demand.	Rich Satkowski	Aug 20, 2009	Sep 21, 2009	Aug 25, 2009
65	Equipment	Forward comments to the Division on draft letter to CVFPB on restoring the Road 9 Control Structure operational capacity to the 100 cfs capacity.	Bureau, District	Aug 20, 2009	Sep 3, 2009	Sep 3, 2009
68	Analysis	Examine storage assumptions for 1983 to see if additional licensing storage can be obtained. Note: a summary of these ideas were handed-out at the meeting.	Division	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009
69	Analysis	Review Draft Licensing Report.	Bureau, District	Aug 20, 2009	Sep 3, 2009	Sep 3, 2009
70	Analysis	Re-draft Licensing Report based on comments.	Kevin Long	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009
72	Analysis	Forward the District the licensing map criteria. Note: somewhat revised on Sep 21, 2009. See handout.	Kevin Long	Aug 20, 2009	Aug 27, 2009	Aug 25, 2009
74	Analysis	Forward Costa View pumping capacity.	Doug Jensen	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009
75	Analysis	Comment on Bureau's Part II and III revisions to the Model/Narrative.	All	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009
76	Analysis	Review District conveyance efficiency data.	Bureau, Division	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009
77	Analysis	Email authors of ITRC on-farm efficiency report to determine if conveyance losses are included in ETc. See note.	Division	Aug 20, 2009	Sep 21, 2009	Aug 24, 2009
		Note: Dick Schafer emailed the authors in lieu of Division staff. On Sep 14, 2009, Dick Schafer and Rich Satkowski talked to Charles Burt of the ITRC. He stated that ETc values do not include deep percolation and runoff. In addition, he stated that the ETc values should be de-rated for bare spots (~8%) and precipitation. Based on this information, Division staff decided to use a bare spot de-rating of 8% and project irrigation efficiency 70%. A conference call will be set up to discuss precipitation.				
79	Meeting	Meet on modeling and licensing results on Sep 21, 2009 in Sacramento at Mike Campos' office.	All	Aug 20, 2009	Sep 21, 2009	Sep 21, 2009

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Edward Salazar, Engineer Darrin Williams, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager (by phone) Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dick Schafer, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			
66	Equipment	Forward final letter to CVFPB on Rd 9 Control Structure capacity (after review by Div. management). Note: Div. management stated that they will not send the letter.	Rich Satkowski	Aug 20, 2009	Oct 21, 2009	Oct 21, 2009
78	Analysis	Confirm that pro-rata crop mix is used in the Bureau model. Note: yes, it was.	Bureau	Aug 20, 2009	Sep 21, 2009	Oct 21, 2009
80	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Sep 21, 2009	Sep 28, 2009	Sep 22, 2009
81	Legal	Forward Aug 28, 2009 email on developing a Warren Act Contract.	Janice Webb	Sep 21, 2009	Oct 21, 2009	Sep 22, 2009
Note: if MID does not take action on the contract, the USBR will send a formal letter responding to the Rachel Phillips memo.						
82	Equipment	Forward final comments on the CVFPB letter.	All	Sep 21, 2009	Sep 28, 2009	Sep 28, 2009
83	Analysis	Forward additional comments on Sep 15, 09 draft licensing report.	All	Sep 21, 2009	Oct 5, 2009	Oct 5, 2009
86	Legal	Check with Division management on whether the wording "Madera Canal" can be modified in Term 5. Note: "no."	Kevin Long	Sep 21, 2009	Oct 5, 2009	Oct 1, 2009
87	Analysis	Revise Licensing Report based on comments.	Kevin Long	Sep 21, 2009	Oct 21, 2009	Oct 21, 2009
89	Analysis	Comment on the Division's new Licensing storage analyses ideas and assumptions.	All	Sep 21, 2009	Oct 5, 2009	Oct 5, 2009
90	Analysis	Comment on the District's Licensing storage analysis ideas & assumptions in Mike Campos' Sep 15, 09 letter.	All	Sep 21, 2009	Oct 5, 2009	Oct 5, 2009
91	Analysis	Synthesize 1983 Big Creek flows and forward to Kevin.	Dick Tzou	Sep 21, 2009	Oct 5, 2009	Oct 21, 2009
93	Analysis	Forward revised model to participants.	Ed Salazar	Sep 21, 2009	Oct 21, 2009	Sep 30, 2009
94	Analysis	Set up conference call with Rich, Kevin, Dick T., Dick S. and Dennis to discuss ITRC report use.	Rich Satkowski	Sep 21, 2009	Oct 21, 2009	Oct 1, 8, 15, 2009

Completed Action Items

#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
96	Analysis	Discuss the "crop and groundwater recharge demand scenario" model run suggestion with Div. management. Note: Division management decided to run the crop demand scenario.	Rich Satkowski	Sep 21, 2009	Oct 21, 2009	Sep 28, 2009
97A	Meeting	Meet on modeling and licensing results on Oct 21, 2009 in Fresno (at Doug Jensen's meeting room).	All	Sep 21, 2009	Oct 21, 2009	Oct 21, 2009
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Edward Salazar, Engineer Darrin Williams, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) Barbara Hidleburg, Repayment Specialist <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dennis Keller, Costa View Farms, Engineer Dick Schafer, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			
62	Legal	Forward a Warren Act contract request letter to the Bureau for storage of Big Cr., Soquel and Fresno R. Pre-1914 water in Hensley Lake.	Mike Campos	Aug 20, 2009	Dec 7, 2009	Nov 30, 2009
84	Analysis	Provide PORD names & locations of "John Doe" diverters.	Dick Tzou	Sep 21, 2009	Nov 16, 2009	Dec 3, 2010
85	Analysis	Write paragraph on how reservoir inflows are adjusted. Note: Dick proposes a 2-day moving avg of calc inflow(s).	Dick Tzou	Sep 21, 2009	Jan 13, 2010	Dec 1, 2009
97B	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Oct 21, 2009	Oct 28, 2009	Oct 26, 2009
98	Legal	Draft POU letter to the Division (addressed to Rich).	Mike Campos	Oct 21, 2009	Oct 30, 2009	Nov 4, 2009
99	Analysis	Provide final comments on the Licensing Report by Nov 16, 2009. Note: MID should provide highlighted info.	All	Oct 21, 2009	Nov 16, 2009	Nov 16, 2009
100	Legal	Check progress of Barbara Brenner's Warren Act letter.	Mike Campos	Oct 21, 2009	Dec 7, 2009	Dec 7, 2009
101	Legal	Review current storage of Hensley Lake water to see if it is released within 30 days. Note: Dick Tzou stated that since Oct 2009, water has not been stored for 30 days.	Lance Johnson	Oct 21, 2009	Dec 7, 2009	Dec 7, 2009
102	Analysis	Forward data/analysis details on synthesizing 1983 Big Creek flows, which were forwarded to Kevin on Oct 20, 09.	Dick Tzou	Oct 21, 2009	Nov 16, 2009	Oct 28, 2009
103	Analysis	Gather the DS riparian acreage and crop type data including % drip/micro sprayed & cover cropped (if applicable) and forward to Rich.	DS Riparians	Oct 21, 2009	Oct 30, 2009	Nov 3, 2009

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
104	Analysis	Gather the US riparian acreages (Reach 2,3 and 5) and crop type data including % drip/micro sprayed and cover cropped (if applicable) and forward to Rich	Dick Tzou	Oct 21, 2009	Oct 30, 2009	Oct 30, 2009
105	Analysis	Run the ETc spreadsheet for 2002-09 using the DS and US riparian acreages (103 and 104 above) and forward to Ed.	Rich Satkowski	Oct 21, 2009	Nov 6, 2009	Nov 12, 2009
106	Analysis	Run the Bureau model for 2002-09 and forward a summary table to all participants.	Ed Salazar	Oct 21, 2009	Nov 16, 2009	Dec 3, 2009
109	Analysis	Complete 1995 licensing analysis and forward to all.	Kevin Long	Oct 21, 2009	Nov 30, 2009	Nov 24, 2009
111	Analysis	Determine if there were Nov and Dec 1982 Madera Canal flows. Note: Lance stated that there were not any Nov and Dec 1982 Madera Canal flows.	Lance Johnson	Oct 21, 2009	Nov 16, 2009	Dec 7, 2009
112	Analysis	Draft paragraph on Feb flood evacuation for Figure 3.	Kevin Long	Oct 21, 2009	Nov 16, 2009	Dec 7, 2009
113	Meeting	Meet on modeling and licensing results on Dec 7, 2009 in Sacramento at Mike Campos' office.	All	Oct 21, 2009	Dec 7, 2009	Dec 7, 2009
Note: Meeting participants are listed below:						
<u>U.S. Bureau of Reclamation Participants:</u> Edward Salazar, Engineer Darrin Williams, Engineer Janice Webb, Water Rights Specialist (via phone) Jim Turner, Counsel (Solicitor's Office) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager (via phone) Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel (via phone) Doug Jensen, Costa View Farms, Legal Counsel (via phone) Dennis Keller, Costa View Farms, Engineer (via phone) Dick Schafer, Harman Ranch & Menefee Ranch, Rep (via phone) <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			
73	Analysis	Prepare and forward licensing map. Also see #117.	Dick Tzou	Aug 20, 2009	TBD	Dec 22, 2009
88	Analysis	Draft Licensing Report	Kevin Long	Sep 21, 2009	Jan 13, 2010	Jan 13, 2010
Note: Since some needed licensing information is not available, a draft was prepared.						
110	Analysis	Draft sentence on downstream Riparians response to 2001 Division approval of the model (for p. 9 of the licensing report) and forward to Kevin.	Dick Schafer	Oct 21, 2009	Jan 1, 2010	Dec 15, 2009
114	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Dec 7, 2009	Dec 14, 2009	Dec 8, 2009
115	Legal	Forward Nov 30, 2009 letter on Warren Act.	Mike Campos	Dec 7, 2009	Jan 13, 2010	Dec 22, 2009
Note: according to Mike Campos, a "short-term" request was submitted and a long-term request could take 3 years. Division staff stated that license term may be needed to require that the types of water be identified or "colored."						

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
116	Legal	Request the PORD diverters to file Statements of Water Diversion and Use if they are claiming an overlapping riparian right.	Dick Tzou	Dec 7, 2009	Jan 13, 2010	Jan 14, 2010
		Note: On Jan 14, 2010, the District held a meeting with the Riparians and informed them of the requirements to file Statements.				
117	Analysis	Provide maps showing claimed riparian land in Reaches 1, 2, 3 and MID place of use. Also see #73.	Mike Campos	Dec 7, 2009	Jan 13, 2010	Jan 13, 2010
118	Legal	Review the Bureau model runs as it applies to the Decree interpretation	Kevin Long	Dec 7, 2009	Jan 13, 2010	Dec 23, 2009
		Note: Kevin Long reported that interpretation of the Decree by staff is somewhat different than that of the Bureau and District. However, Mike Nordstrom, representing one of the downstream riparians, stated that they've agreed to use the interpretation of the Bureau and District for the purposes of the Division's licensing work. The other Downstream Riparian reps agreed. Completion of the licensing may help work may facilitate an "exchange water" agreement. For consistency, Division staff will use the Bureau's and District's interpretation for the licensing report.				
119	Analysis	Develop and provide proposal to distribute Reach Demands over a few days.	Dick Schafer	Dec 7, 2009	Jan 1, 2010	Dec 23, 2009
		Note: Dick Schafer stated that (1) Action Item 119, (2) Dick's suggestions to revise the Reach 7 portion of the model and (3) factoring in Reach 7 groundwater demands may be resolved if a formula can be derived for the Riparians below Franchi Div.				
121	Analysis	Forward Hidden Dam/Fresno River Operations tables to all participants.	Janice Webb	Dec 7, 2009	Jan 13, 2010	Dec 22, 2009 / Jan 14, 2010
123	Analysis	Include in the Licensing Report the following below:	Kevin Long	Dec 7, 2009	Jan 13, 2010	Dec 22, 2009
		(1) mo. values for Table 5, (2) statement that the model does not explicitly share water among riparians in Reaches 1-3 correlatively, (3) model assumption that water need not be provided for river losses if DS Riparian crop demand is not occurring.				
124	Meeting	Brief Division management on Licensing Report results.	Kevin Long / Rich Satkowski	Dec 7, 2009	Jan 13, 2010	Jan 7, 2010
126	Meeting	Meet on modeling and licensing results on Jan 13, 2010 in Fresno (at Doug Jensen's meeting room).	All	Dec 7, 2009	Jan 13, 2010	Jan 13, 2010
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Edward Salazar, Engineer Darrin Williams, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dennis Keller, Costa View Farms, Engineer Dick Schafer, Harman Ranch & Menefee Ranch, Rep Michael Tharp, Harman Ranch & Menefee Ranch, Representative <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer			

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
21	Legal	Collaborate and propose Riparian water sharing formula.	DS Riparians	Apr 27, 2009	Jan 13, 2010	Mar 8, 2010
47	Equipment	Prepare proposal to temporarily use a pump to increase the Road 9 capacity to 100 cfs.	DS Riparians	Jun 9, 2009	Jan 13, 2010	Mar 8, 2010
		Note: on Jan 13, 2010 Mike Nordstrom stated that a permit with the Lower SJ Levee District may be needed to install the pump.				
67	Equipment	Make presentation to CVFPB on Rd 9 Control Structure capacity issues at the Feb 26, 2010 meeting (9 am; Sac).	Dick Schafer	Aug 20, 2009	Feb 26, 2010	Feb 26, 2010
92	Analysis	Develop assumptions and calculations for 74,000 AF licensing amount cited in Mike Campos' Sep 15, 09 letter.	Dick Tzou	Sep 21, 2009	Nov 16, 2009	Mar 8, 2010
122	Analysis	Forward supporting Fresno R. model runs of Dec 2009.	Ed Salazar	Dec 7, 2009	Jan 22, 2010	Mar 8, 2010
		Note: Ed is checking whether the runs provided at the Dec 7 meeting were completed after Dec 4, 2009.				
127	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Jan 13, 2010	Jan 20, 2010	Jan 19, 2010
128	Legal	Forward an update on the processing of the Warren Act Contract Request.	Janice Webb / Valerie Curly	Jan 13, 2010	Mar 8, 2010	Mar 8, 2010
129	Legal	Meet to discuss and determine Riparian acreages.	DS Riparians	Jan 13, 2010	Jan 21, 2010	Jan 21, 2010
130	Analysis	Develop a sample table showing one way to report the flow below Road 9.	Dick Schafer	Jan 13, 2010	Mar 8, 2010	Mar 8, 2010
		Note: Dick described his approach to estimating the demands below Rd 9 on Mar 8, 2010, which is to expand the Bureau model to include additional reaches.				
131	Analysis	Forward suggested changes to the titles of Report tables (Note: now identified as Tables 7, 8, 9 and 10.)	Mike Nordstrom	Jan 13, 2010	Mar 8, 2010	Jan 13, 2010
132	Analysis	Decide on whether to also include the "old" (2001) model run results in the licensing report.	Mike Campos	Jan 13, 2010	Mar 8, 2010	Mar 8, 2010
133	Legal	Draft and forward letter to the Division asking for a legal opinion on adding groundwater recharge as a demand downstream of Franchi Dam.	Dick Schafer	Jan 13, 2010	Mar 8, 2010	Jan 18, 2010
134	Analysis	Revise Licensing Report.	Kevin Long	Sep 21, 2009	Mar 8, 2010	Mar 8, 2010
135	Analysis	Revise and forward licensing map by including Cottonwood Creek PORDs.	Dick Tzou	Jan 13, 2010	Mar 8, 2010	Jan 21, 2010
136	Analysis	Discuss forwarded licensing map from Action Item 135 above with Kevin Long.	Dick Tzou / Kevin Long	Jan 13, 2010	Mar 8, 2010	Mar 8, 2010
138	Meeting	Meet on modeling and licensing results on Mar 8, 2010 in Sacramento (at Mike Campos' meeting room).	All	Jan 13, 2010	Mar 8, 2010	Mar 8, 2010

Completed Action Items

#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Darrin Williams, Engineer (by phone) Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) Valerie Curly (by phone) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager (by phone) Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dick Schafer, Harman Ranch & Menefee Ranch, Rep <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer David Rose, Division of Water Rights Legal Counsel			
34	Analysis	Consider running the model using 100 cfs design capacity of the Road 9 Control Structure.	TBD	Apr 27, 2009	Jul 1, 2010	Jun 14, 2010
71	Legal	File Permittee Progress Reports for 2004-08.	Bureau	Aug 20, 2009	Apr 1, 2010	Mar 3, 2010
120	Analysis	Verify Reach 5 diversion limit used in the model runs.	Dennis Keller	Dec 7, 2009	Apr 1, 2010	Jun 14, 2010
		Note: Dennis Keller stated that he can verify only the Costa View diversion limit, which is 70 cfs.				
139	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Mar 8, 2010	Mar 15, 2010	Mar 9, 2010
140	Analysis	Prepare riparian acreage maps for Reaches 2 and 3 using available District data.	Dick Tzou	Mar 8, 2010	Apr 1, 2010	Jun 14, 2010
141	Analysis	Forward riparian acreage estimate for Reach 5.	Doug Jensen	Mar 8, 2010	TBD	Apr 1, 2010
142	Analysis	Consider running the model using the revised riparian acreages from #s 140 and 141 above.	TBD	Mar 8, 2010	TBD	Apr 19, 2010
		Note: If #142 is done, then a licensing report addendum may be needed.				
143	Equipment	Install temporary pump to increase the Road 9 capacity to 100 cfs and forward photograph(s) of installed unit.	Mike Nordstrom	Mar 8, 2010	Apr 1, 2010	Mar 30, 2010
144	Equipment	Tour Rd 9 Control Structure (on Apr 4, 2010) with CVFPB member John Brown & Chief CVFPB Engr., Len Marino.	Dick Schafer	Mar 8, 2010	Apr 4, 2010	Apr 4, 2010
145	Legal	Respond to DS Riparians' letter asking for a legal opinion on adding groundwater recharge as a demand downstream of Franchi Dam.	Rich Satkowski / David Rose	Mar 8, 2010	Apr 1, 2010	Mar 24, 2010
147	Analysis	Forward comments on the Mar 8, 2010 Licensing Report.	All	Mar 8, 2010	Mar 18, 2010	Mar 18, 2010
148	Legal	Forward letter to the Division on why the District believes that a change petition is not needed to add the Fresno River PORDs and/or why section 795 processing (no public notice) of the petition is appropriate.	Mike Campos	Mar 8, 2010	Apr 1, 2010	Mar 30, 2010
149	Analysis	Review assumptions and calculations for the District's 67.8 TAF licensing estimate.	All	Mar 8, 2010	Apr 1, 2010	Apr 1, 2010

Completed Action Items						
#	Category	Description	Owner(s)	Date Assigned	Date Due	Date Closed
152	Legal	Forward newly submitted Fresno R. Riparian Statements.	Kevin Long	Mar 8, 2010	Apr 1, 2010	Mar 16, 2010
153	Operations	Forward example of river operations protocols.	Dick Schafer	Mar 8, 2010	Apr 1, 2010	Jun 8, 2010
154	Meeting	Meet on modeling and licensing results in Sacramento (at Mike Campos' meeting room). Note: no Apr 2010 mtg.	All	Apr 22, 2010	Jun 14, 2010	Jun 14, 2010
Note: Meeting participants are listed below: <u>U.S. Bureau of Reclamation Participants:</u> Darrin Williams, Engineer Janice Webb, Water Rights Specialist Jim Turner, Counsel (Solicitor's Office) Valerie Curly (by phone) <u>Madera Irrigation District Participants:</u> Michael Campos, Counsel Lance Johnson, General Manager Dick Tzou, Engineer			<u>Riparian Participants:</u> Michael Nordstrom, Triangle T, Legal Counsel Doug Jensen, Costa View Farms, Legal Counsel Dennis Keller, Costa View Farms, Engineer Dick Schafer, Harman Ranch & Menefee Ranch, Rep <u>State Water Board Participants:</u> Rich Satkowski, Division of Water Rights Licensing Engineer Kevin Long, Division of Water Rights Licensing Engineer David Rose, Division of Water Rights Legal Counsel			
125	Legal	Prepare and forward Inspection Finding Letter(s). Note: also, see # 50—respond to District's letters.	Kevin Long / Rich Satkowski	Dec 7, 2009	Jul 1, 2010	Jul 12, 2010
151	Analysis	Final Licensing Report.	Kevin Long	Mar 8, 2010	Jul 1, 2010	Jul 12, 2010
155	Meeting	Update Meeting Action Items and forward to participants.	Rich Satkowski	Jun 14, 2010	Jun 21, 2010	Jun 15, 2010
156	Legal	Forward letter on the status of the Warren Act Contract and need under project pay-off options.	Jim Turner	Jun 14, 2010	Jun 21, 2010	Jun 21, 2010
157	Analysis	Forward email on storage of Pre-1914 water, which may cause injury to legal water users.	Kevin Long	Jun 14, 2010	Jun 21, 2010	Jun 25, 2010
158	Legal	Submit Statements of Water Diversion and Use for Bass Lake, Friant Dam, & Hidden Dam PODs by July 1, 2010.	District	Jun 14, 2010	Jul 1, 2010	Jul 1, 2010
159	Legal	Submit Statements of Water Diversion and Use for Fresno River PODs by July 1, 2010.	DS Riparians (as applicable)	Jun 14, 2010	Jul 1, 2010	Jul 1, 2010
162	Meeting	Schedule meeting with Division management on groundwater recharge issue. Note: Mtg on Jul 13, 2010.	Rich Satkowski	Jun 14, 2010	Jul 1, 2010	Jun 21, 2010
163	Analysis	Forward PDF copies of Reach 2 and 3 riparian maps.	Dick Tzou	Jun 14, 2010	Jul 1, 2010	Jun 17, 2010
165	Analysis	Forward Model Runs for Scenarios "E".	Dick Tzou	Jun 14, 2010	Jun 21, 2010	Jun 23, 2010
166	Analysis	Forward Model Runs for Scenarios "F", which is for 2010 w/ a 100 cfs Road 9 limitation.	Dick Tzou	Jun 14, 2010	Jul 1, 2010	Jun 18, 2010
167	Analysis	Forward Downstream Riparians' 2002-09 water analyses.	Dick Schafer	Jun 14, 2010	Jun 21, 2010	Jun 15, 2010
168	Analysis	Forward "track-changes" version of licensing report.	Kevin Long	Jun 14, 2010	Jun 21, 2010	Jun 17, 2010
169	Legal	Report on MID's Board decision of proposed 6,000 AF settlement.	Mike Campos	Jun 14, 2010	Jun 21, 2010	Jun 21, 2010