

Memorandum

To: Jarrett Martin, General Manager, Central California Irrigation District (CCID)
Anthea Hansen, General Manager Del Puerto Water District (DPWD)
Steve Chedester, Director of Policies and Programs, San Joaquin River Exchange
Contractors Water Authority (SJRECWA)

From: Rick Iger

Subject: **Orestimba Creek Recharge and Recovery Expansion Project – Status Update**

Date: April 6, 2022

Bold text represents information added since the previous memorandum.

Background:

The SJRECWA has identified a water supply/storage goal of 50,000 acre-feet and a peaking capacity goal of 500 cfs to avoid impacts from Critical Years, source shifting to the San Joaquin River (SJR), or restrictions on pooling water for peak irrigation demand. Studies and Pilot Program tests have determined that the potential recharge capability of Orestimba Creek alluvial fan is suitable to help meet those goals. In addition, due to shortages in the Central Valley Project (CVP), Del Puerto Water District (DPWD) is seeking recharge and recovery to help alleviate future shortages. As a result of the mutual interests, the Exchange Contractors and DPWD have partnered to complete a project to help achieve progress toward meeting those goals.

The Orestimba Creek Recharge and Recovery Expansion Project (Expansion Project) proposes to expand the existing 20-acre groundwater recharge facility near Orestimba Creek to about 80 acres. This project would store high flow and carryover supplies which would include groundwater replenishment to offset nearby groundwater demands as well as regulate supplies to provide a critical year water supply and provide water to meet peak demands in the summer.

The project participants include CCID, DPWD, and SJRECWA. Provost & Pritchard (P&P) was retained to assist in designing, permitting and environmental compliance sufficient to enable construction of the project. The Project is moving forward under CCID's lead on behalf of the SJRECWA with cost sharing with DPWD. Each entity has been paying their own expenses for its respective role.

CCID has received several grants to move the project forward beyond the feasibility level to initiate construction of the expanded project. In 2020, CCID received a Grant Award of \$809,000 from the Integrated Regional Water Management Plan (IRWMP) State Grant Program to assist in development of the Expansion Project. In February 2021 CCID also received contingent award under the Stormwater Grant Program administered by the State Water Resources Control Board (SWRCB) of \$5.6 Million for construction of the Expansion Project. The project will consist of an additional 60-acres of recharge ponds, use of existing DPWD turnouts from the Delta-Mendota Canal (DMC), a proposed turnout from Orestimba Creek, and new pipelines to convey the flows to the recharge ponds. Additionally, the project includes completion and use of wells sufficient to

recover the water stored in two consecutive dry/critical years. For purposes of the environmental analysis 8 recovery wells, which are proposed to be designed by Kenneth D. Schmidt and Associates (KDSA) and District staff, well discharges and appurtenances, and associated pipelines have been included. Analysis of construction and operations of conveyance, recharge and recovery facilities will be included in the environmental and permitting documents.

Current Work:

While developing the specific budget and agreements, the participants authorized phasing the work to quickly develop the 30% design and flush out any major permitting or environmental concerns including developing a coordinated effort with the Bureau of Reclamation (USBR) on CEQA/NEPA compliance so Reclamation can evaluate the feasibility of continuing with the project to completion. Phase 1 consists of bringing the project design to 30%, a topographic survey, downloading required permit applications, and coordinating with USBR on CEQA/NEPA compliance and work within DMC right-of-way.

Work started on October 15, 2020 with the project kick-off meeting with staff from CCID, DPWD, SJRECWA and P&P in attendance. We discussed project administration, schedule, design components, permitting and environmental work coordination. During the meeting there was significant discussion regarding the various components and proposed alignments. The plan was to have the 30% design complete by mid-December; however, access agreements for survey work required from various landowners and agencies took longer than expected to get in place. The Districts are working on overall well location plan. Well locations are a critical path item for moving forward with environmental and permitting work. Biological, cultural, and geotechnical studies will need to be completed for all components including well locations. Once well locations have been identified, all access agreements will need to be amended to allow for ground disturbing activities before these studies can be completed. The following is a list of work activities with descriptions of work completed to date.

1. Landowner Outreach

- a. State: The State of California Department of Water Resources (DWR) owns the property between Bell Road and I-5 along Orestimba Creek. Right of Entry for the Orestimba Creek Turnout has been issued for non-ground disturbing activity which included topographic survey of the turnout site. Need to determine timing of Biological and Cultural Field work and get back to State et al. Same for Geotech. All on hold for well locations. Ground disturbing field work is on hold until well sites are identified. CCID has requested an amended Temporary Entry Permit from DWR for Biological and Cultural surveys. The proposed schedule is for April 26 to June 30 in case follow-up surveys are needed. Right-of-Entry Permits have been extended through January 2022 to conduct the Aquatic Resources Delineation and Geotechnical work. Discussions regarding a License Agreement has been initiated. **The DWR Encroachment permit application with attachments was submitted electronically and the application fee was mailed on April 4, 2022.**
- b. Private landowners: Participants are setting appointments with landowners for well sites and surveys. Alternative Pipeline alignments also needed to be surveyed and discussed with three landowners along the routes. Meetings have been held and survey of pipeline routes are completed. Meetings have been held with several property owners from Bell Road to the CCID Main Canal. Potential joint use of existing wells and new well sites were discussed. Based on those discussions, the Participants are exploring recovery well target locations east and north of the recharge ponds. Anthea and Ben will be setting up

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meetings with landowners to discuss project operations and benefits to adjoining landowners. **Anthea and Jarrett continue to work with the owner of the 80-acre pond site to complete purchase. In addition, discussions have been initiated with the landowners along the pipeline routes.**

- c. **SLDMWA:** Right of Entry request approved provided no ground disturbance. Need to initiate amending for the ground disturbing activities for Biological and Cultural surveys. Questions regarding use of the existing box culvert under the DMC at Bell Road and placing facilities within DMC property will be coordinated with SLDMWA and USBR. CCID has requested and received an amended Temporary Entry Permit from SLDMWA for the proposed schedule for Biological and Cultural surveys, April 26 to May 7, 2021. The State Historic Preservation Office (SHPO) consultation has been completed by Reclamation and the SLDMWA Access Permit has been extended to cover additional exploratory (ground disturbing) work within Reclamation right-of-way. **SLDMWA has requested the participants to perform an inspection of the box culvert. The participants have contacted specialized pipeline inspectors to conduct the survey.**
- d. **USBR:** Right of Entry agreement approved for Surveys provided no ground disturbance. Need to initiate amending for the ground disturbing activities for Biological and Cultural Surveys. USBR defers to SLDMWA for processing Temporary Entrance Permits. CCID has requested and received an amended Temporary Entry Permit from SLDMWA for the proposed schedule for Biological and Cultural surveys, April 26 to May 7, 2021. The Cultural sub-contractors submit a separate request directly to USBR for the specifics of their work. AE submitted the Fieldwork Authorization Permit to USBR on 5/21/21 and it was authorized on 5/28/21 for non-ground disturbing activity. AE and Live Oak completed non-ground disturbing surveys. The State Historic Preservation Office (SHPO) consultation has been completed by Reclamation which allowed them to authorize the SLDMWA Access Permit extension to cover additional exploratory (ground disturbing) work within Reclamation right-of-way. The Aquatic Resources Delineation (ARD) survey will be done on 1/6/2022. **The ARD was completed, and report submitted on 2/28/2022. USBR has requested the participants to perform an inspection of the box culvert. The participants have contacted specialized pipeline inspectors to conduct the survey.**

2. USBR Coordination

- a. **Letter of Agreement (LOA):** USBR is developing a cost estimate to include in the LOA. USBR requested copy of survey map with preferred pipeline route plotted and white papers on potential conveyance of Orestimba Creek water in DMC and other Participants' water sources for recharge. SJRECWA has white paper from LBCDR Storage POC and will update for Orestimba. Participants drafted white paper on conveying Orestimba flow in DMC, being reviewed up chain of command at Reclamation. Steve Chedester taking the lead on this effort. Once LOA executed need to set up virtual tour with USBR staff. The LOA was executed at the end of February, allowing Reclamation Staff to work on the permitting and environmental documents. Cultural and Biological non ground disturbing field work was completed June 1 – 4, 2021. Cultural and Biological reports were received from subconsultants and have been reviewed by USBR. USBR accepted the Bio Report and provided comments on the Cultural report. Edits to the Cultural Report were made by AE. USBR submitted the SHPO Section 106 Consultation letter on November 24, 2021 and received concurrence on December 16, 2021 which opened the door for ground disturbing investigations to begin. The aquatic resources survey was completed 1/6/2022 and Geo-technical activities will be completed later in January. **The ARD was completed,**

and report submitted on 2/28/2022. The Geotechnical activities will be completed in April and May.

- b. CEQA/NEPA: Initial discussions with USBR have started on a joint CEQA/NEPA document. USBR has provided the new format and P&P has submitted a revised project description. Awaiting LOA execution for launch of Joint Document preparation. Discussions have been occurring weekly on the project description and Area of Potential Effect (APE). The Project Description has been updated to reflect new components of the project and the proposed operations plan. P&P staff is coordinating merging the project description into the Joint CEQA/NEPA document. The APE map was revised again to reflect a decrease in APE area and the project description was also revised to match the revisions to the APE map. Revised proposals were received from Live Oak Associates and Applied Earthwork for the biological and cultural studies based on revised project description and APE. Biological survey began on June 3, 2021 and the cultural survey began on June 1, 2021. Adam worked with subconsultants to gain access to certain properties. Biological and cultural subconsultants completed additional site work and reports which were provided to P&P for inclusion in the CEQA/NEPA document. The 106 Consultation was completed by USBR and SHPO, the aquatic resources delineation site investigation and biological study will be completed and incorporated into the draft CEQA/NEPA document. **The ARD was completed, and report submitted on 2/28/2022 and was incorporated into the CEQA/NEPA document. The NOD was adopted by CCID at a special Board Meeting on March 3, 2022 and was filed with Stanislaus County on March 9, 2022. The USBR approved the finding of no significant impact (FONSI) on March 9, 2022. The Mitigation Monitoring Reporting Program has been prepared.**
- c. Initial Draft Project Description: Sent to Participants and Reclamation. Reclamation requested insertion of water source in Project description and possible need for a Warren Act Contract or other DMC wheeling/exchange arrangement. The Project Description summary was described to Reclamation over a series of meetings and submitted with edits on April 9, 2021. Additional revisions were made to the project components and APE. Revised project description and APE map were prepared and distributed to subcontractors, Reclamation and participants. **Done**
- d. Project Operations: **The Participants have been meeting with Reclamation regarding Orestimba Creek Turnout and Recharge Pond Operations along with other sources of supply.**

3. Permits

- a. Downloaded and began filling in the following permit applications:
 - i. Lake and Streambed Alteration Notification from CDFW
 - ii. 404 Permit from USACE
 - iii. 401 Water Quality Certifications from RWQCB
 - iv. License Agreement Permit from USBR
 - v. MP620 Permit from USBR for additions or alterations to USBR owned facilities.
 - vi. Encroachment Permits from Stanislaus County for pipelines crossing County Roads.
- b. Water Rights Permits: Participants began water right application process with Woodard & Curran and Dan Steiner for a temporary and permanent water right on Orestimba Creek. Mr. Steiner has completed the water availability analysis based on the simplified permit processes required by Reclamation. Permit application submittal is targeted for January 10, 2022. **Permits were uploaded on February 2, 2022 and the participants have been working with State Board staff on providing supplemental information as needed.**

- c. Draft applications for Lake and Streambed Alteration, 404 and 401 have been prepared and initial contact has been made with CDFW and RWQCB and attempted to make contact with USACE. All three applications require that the Aquatic Resources Delineation (ARD) be complete before they can be submitted.
 - d. Uploading Permit Applications:
Each Permit Application to be uploaded once ARD completed.
 - e. **Permit applications for CDFW Lake and Streambed Alteration, USACE Nationwide 404 and RWQCB 401 have been completed and are out for participant review. Permit applications will be submitted to the respective agencies in April.**
4. Design
- a. Topographic Survey: Survey has been completed for Orestimba Creek turnout, pipelines, ponds, and pump station.
 - b. Design Criteria Memo: the draft design criteria memo will be completed and submitted to Participants for review during last week of January 2021.
 - c. Plans: 30% plans will be completed and submitted to Participants for review during last week of January 2021.
 - d. The 30% design memo and plans were submitted to Participants on February 4, 2021 and reviewed in a couple of workshops with final comments received on February 18, 2021.
 - e. After meeting with Reclamation and several landowners along the pipeline routes to the recharge ponds, additional modifications to the design were warranted including placing the north-south pipeline outside of Reclamation property and removing and replacing DMC turnout control boxes to accommodate larger pipeline connections.
 - f. A workshop was held with the Participants to evaluate the recharge pond sizing and recovery goals. A spreadsheet was developed to look at how many acres of ponds and sizes of pipelines were needed to meet the goal of recovering 10,000 acre feet per year during two consecutive dry and/or critical water supply years. The decision was made to size the facilities to absorb 22,000 acre feet in a wet year, where water would be available to the Participants over 150 days. The results showed that 80 Acres were needed at the recharge rate of 2.0 feet per day, and that 80 cfs could be delivered with the pipes as sized in the Design Memorandum:
 - i. 35 cfs from Orestimba Creek Turn Out and Booster Pumps into a 36" pipe running north to south to the junction with the MP 51.65L pipe;
 - ii. 35 cfs from DMC TO at MP 51.65L into a 36" pipe transitioning to 48" where the Orestimba pipe intersects; and
 - iii. 35 cfs from DMC TO at MP 52.40L into a 36" pipe along Orestimba Road.
 - g. Irrigation lines and other utilities were identified during the 50% design. P&P will be soliciting proposals for companies that can locate the irrigation lines and Underground Service notifications were distributed to the utilities in the area. Responses have been received from utilities in the area and have been incorporated into the design.
 - h. Anthea will check to see if they have used pipe daylighting companies.
 - i. P&P is continuing the 60% design effort and has modified the 30% drawings for the DMC 51.65L and 52.40L connections to the pipelines leading to the recharge ponds. Participants have reviewed and approved moving forward with including the revised drawings into the Plan Set. P&P submitted the 50% complete plans, specifications and construction estimate to the participants on 9/14/2021 for review and comment.
 - j. CCID and DPWD are continuing efforts to identify well sites for the recovery part of the project. They are working with Kenneth D. Schmidt and Associates on evaluating new aquifer information from the pilot holes in the area. The new information will help inform

the decision on where to place wells and at what depth to complete them. Discussions were initiated with a landowner regarding use of an idle well near the CCID Main Canal. **DONE**

- k. Plans were revised to support a lower water surface profile at the DMC Box Culvert and raise the distribution box and junction box height at the DMC 51.65L Turnout based on comments received from BOR and USBR during meeting on 12/14/21. **DONE**
- l. **Recharge ponds cut and fill quantities are being calculated for the final recharge pond layout. Receiving ditch pump station drawings are being modified to reflect the re-established channel grade.**

5. Other Items

- a. Prop 68 Grant Application: Project Description info has been provided to Woodard and Curran who are assisting the Coordinated Delta-Mendota Basin Group submit a DWR Prop 68 SGMA Grant Application. Orestimba Description for current IRWM Grant included 35 cfs conveyance to ponds. Prop 68 was similar description as IRWMP Grant Application. The Prop 68 application has about \$1M in grant request and construction of full project with local/other cost share. The Project Description is the same as IRWM grant which provided \$809,000 Grant Award. The Prop 68 Grant was not awarded for the Delta-Mendota Application, a technical review is underway to see if DWR missed something in understanding the projects.
- b. The Storm Water Grant contingent award required some follow up on the grant agreement, budgets, schedule and budget narratives. Those went to Woodard and Curran between April 5th and April 15th and have been submitted by them and CCID back to the State Board. Participants have worked with SWG Administrators to finalize grant agreement documents, which included submitting updated facilities with associated budgets, and cost tracking forms. **The participants are awaiting receipt of the final grant agreement.**
- c. **The project schedule has been updated to reflect the SHPO and Permit consultation processes which has pushed the construction schedule into 2023.**

Next Steps:

1. Actions required by Participants:

- a. Review and provide comments on Design Criteria Memo and finalize proposed facility locations and capacities. **DONE**
- b. Review and provide comments on 30% plans. **DONE**
- c. Determine locations for recovery wells. Ongoing; refine sites with KDSA and meet with specific owners. Ben has a driller lined up for water well pilot holes for logging, should be on site in the next couple of weeks. Once results are reviewed by Ken Schmidt, well sites will be selected. Still need to get access agreements with growers for final well sites and pipeline alignments once Ken's recommendations are received. Ken has evaluated 4 sites and is recommending other sites to explore and what yield is expected. **DONE**
- d. DPWD has been collecting water quality samples over the summer from growers in project area to help with selecting recovery well locations. **DONE**
- e. Assist with obtaining Right of Access agreements for ground disturbing biological, cultural, and geotechnical investigations. **DONE**

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- f. CCID to authorize P&P to circulate joint CEQA/NEPA Document to State Clearing House for Public Review once Reclamation accepts responses. **The joint CEQA/NEPA Document was circulated and finalized for CCID Board adoption on March 3, 2022 and was filed with Stanislaus County on March 9, 2022. The USBR approved the finding of no significant impact (FONSI) on March 9, 2022. The Mitigation Monitoring Reporting Program has been prepared. DONE**
 - g. **Request an extension on the right of entry permit for the DWR property and DMC right-of-way for geotechnical work.**
2. Actions required by P&P:
- a. Once well locations have been determined and remaining right of entry agreements have been approved, complete field survey work with Geotechnical, Biological and Cultural Subconsultants. Ongoing – Done for Bio and Cultural, pending for Geotech. **Geotechnical work will be done in April and May.**
 - b. Finalize Design Criteria Memo and 30% plans based on Participant comments. **DONE**
 - c. Work with Participants, agencies, and landowners to amend **temporary** right of entry permits for ground disturbing activities. Amended temporary access permits have been received from agencies and biological and cultural surveys have begun. Non-ground disturbing surveys have been completed. **DONE**
 - d. Incorporate final facility locations, and biological and cultural investigations into draft environmental document. P&P will work with Participants and Reclamation on merging the new Project Description into the CEQA/NEPA document and incorporate results of biological and cultural investigations once complete in mid-June. Project component changes were discussed with Reclamation on April 23rd. The revised project description and biological investigation has been incorporated into the CEQA/NEPA document. USBR provided comments on the cultural report which was then finalized and has been incorporated into the CEQA/NEPA document. **DONE**
 - e. Continue preparation of draft permit applications. **Permit applications have been completed and are out for participant review. Permit applications will be submitted to the respective agencies in April.**
 - f. Once directed by the Participants, prepare draft specifications and 50% plans. Started 60% plan drawings March 3, 2021. The 50% plans, specifications and engineer's estimate for construction were submitted to participants on September 14, 2021. Comments were incorporated into design set and the plans were provided to Reclamation, SLDMWA and SWG Administrator on January 5, 2022. **Minor edits were made to the plans based on comments received from the various agencies. Work is continuing towards completion of 90% plans, specifications, and engineer's estimate of probable construction cost.**
3. Actions required by others:
- a. Once well locations have been determined and right of entry agreements have been amended for ground disturbing activities, perform geotechnical investigation. Ongoing

- b. Once well locations have been determined and right of entry agreements have been amended for ground disturbing activities, perform biological investigation. DONE
- c. Once well locations have been determined and right of entry agreements have been amended for ground disturbing activities, perform cultural investigation. DONE
- d. USBR to finalize LOA and associated budget for review and payment of deposit by Participants. DONE
- e. USBR Environmental team to have a kick-off meeting with P&P and Participants. DONE
- f. USBR and SJRECWA Land and Right of Way team to have virtual tour of project facilities with P&P and Participants. An on-site field tour occurred on August 10, 2021 with Participants, Reclamation Cultural staff and SLDMWA staff to review the Area of Potential Effect (APE). DONE
- g. USBR Environmental Team to review responses to their comments and begin public review process of Draft Environmental Assessment with goal of issuing findings in early February. **The joint CEQA/NEPA Document was circulated and finalized for CCID Board adoption on March 3, 2022 and was filed with Stanislaus County on March 9, 2022. The USBR approved the finding of no significant impact (FONSI) on March 9, 2022. DONE**

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MEMORANDUM



TO: Anthea Hansen, General Manager, Del Puerto Water District
FROM: Andy Neal
DATE: May 9, 2022
RE: Del Puerto Canyon Reservoir Progress Update for May 2022 Board Meeting

Ms. Hansen:

Below is a summary of our progress on the Del Puerto Canyon Reservoir project.

Project Goals:

- 1) Design, permit, and construct an 82,000 AF south-of-delta reservoir to provide locally-owned and controlled water storage for agricultural and west-side communities water supply.
- 2) Seek to obtain up to 25% federal cost share through the Water Infrastructure Improvements in the Nation (WIIN) Act. A proportional share of the project benefits are the federal benefits.

Design/Engineering Procurement

The Program focused a lot of its efforts this period coordinating with the TERRA-GeoPentech (TGP) Joint Venture team as the new dam design team ramped up their project onboarding. With a goal to execute a summer 2022 field investigation program, the team has done a lot of work evaluating probable field conditions, designing investigation techniques to capture site geologic, geotechnical, and geophysical properties, and preparing for a kickoff meeting with California DSOD.

TGP has reviewed data collected previously during the Feasibility studies and developed plans to advance the site condition assessment studies. A targeted layout of boring locations, test pits, and paleoseismic trenches have been mapped to maximize the subsurface imaging in order to evaluate underground conditions. These locations have been screened through an environmental lens to ensure permits are acquired for sensitive areas and areas that do not require permits can be moved along to maintain schedule. Fieldwork has been conducted to view the site for access and other planning purposes. The full investigation program will be reviewed by both DSOD and our internal Technical Review Board to get full buy-in of the program.

An initial kickoff meeting with DSOD is happening on May 10th in person in Sacramento at DSOD offices. Members from DSOD leadership and technical teams will be in attendance with representatives from the DPCR owners, program, and design teams to begin a highly coordinated design process that will be the foundation for advancing the DPCR project. A second, follow-up meeting is expected to further refine any investigation locations that are discussed during the initial meeting.

The Technical Review Board (TRB) panel was assembled and contracts to get TRB members in place to support the project is underway. It is expected that the TRB participants will meet with the team in mid-June to tour the site and prepare for their roles on the project. A multi-disciplinary panel of experienced professionals will represent DPCR as TRB members and provide an added layer of technical credibility to the overall program team.

Utility Relocation

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Ongoing efforts continue to advance the PG&E transmission tower relocations to 30% design. Stantec has incorporated new mapping from O'Dell into their designs for PG&E. Stantec anticipates having the 30% design ready at the end of May. PG&E will release the 30% design to the Program team when it is available. Beyond 30%, the PG&E will initiate 60% Design which will include: constructability reviews and construction planning, operational outage window development, geotechnical exploration, advanced structure design, and preparation for the CPUC review process. Representatives from our teams meet with PG&E, Stantec, and WAPA bi-weekly on Tuesdays.

Environmental

The project received and paid for the permit for the Golden Eagles in the site vicinity. Our teams also sent biological habitat experts out to field check Eagle nest locations that were mapped in previous years. Although our team did not find any active nests in these very recent surveys, we will continue to monitor the area to maintain compliance with the permit conditions and extend a mile radius avoiding disturbance to any active nests.

The EIS remains under review and finalization. The cooperating agencies have had the document for their review and USBR is finalizing the schedule for its release. The overall release has been significantly delayed, but we are hearing that it should be going out for public review in June 2022. The DPCR program team has had an opportunity to review and comment.

As noted above, a significant amount of work was performed to develop work products and overview maps of the investigation program to prepare for environmental permitting. The dam design team and ICF coordinated efforts to generate applications to clear the site environmentally while the other work that does not require a permit can move forward.

New Road Alignment

Our program manager has met with multiple teams interested in the Del Puerto Canyon Road relocation work. These meetings have been relatively high level to inform the interested teams about the project status and prepare them with general information about the proposed work.

Public Outreach

There was no significant work to report in the period, although we continue to engage Ellen Cross or Strategy Driver in our planning for outreach services. Ellen has been working alongside the Program team to factor in our latest milestone of engaging a new dam design team. We are working to define success outcomes.

Political Outreach and Project Financing

The project owners continue to seek out and position for new funding opportunities at the State level. They have been working with representatives to secure additional funding through the State's budget to supplement Federal WIIN Act funding.

Programmatic

- 1) Weekly client meetings
- 2) Weekly Reclamation meetings
- 3) Weekly internal team meetings

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- 4) Refined the schedule to identify critical path activities
- 5) Submitted February invoice and drafted March/April invoice

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Sisk Dam Raise Planning Activity Agreement Participants as of May 6, 2022

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Member	Contract Quantity	Total Participants	Individual Assessment	FY23 Budget
Westlands	1168383		0.656111857	\$656,111.86
Del Puerto	140210		0.078735692	\$78,735.69
San Luis	125080		0.070239357	\$70,239.36
Panoche	94000		0.052786214	\$52,786.21
San Benito	43800		0.024596129	\$24,596.13
Valley Water	154065		0.086516043	\$86,516.04
Pacheco	10080		0.005660479	\$5,660.48
Byron Bethany	20600		0.011568043	\$11,568.04
Eagle Field	4550		0.002555077	\$2,555.08
Tracy, City of	20000		0.011231109	\$11,231.11
Total	1780768	10		\$1,000,000.00

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P.O. Box 1596 Patterson, CA 95363-1596

Phone (209) 892-4470 • Fax (209) 892-4469

Mr. Alex Terrazas, City Manager.
City of Ceres
2720 Second Street
Ceres, CA 95307-3292

Via Email

May 10, 2022

Re: Request for Emergency Assistance

Der Mr. Terrazas,

As you are aware, the Del Puerto Water District has been working with your Staff to advance a project which would increase the delivery of treated wastewater to agriculture and environmental beneficial uses through the construct of the North Valley Regional Recycled Water Program. This project, whereby the costs of expanding the physical capacity of the Ceres WWTP Export Pump Station, as well as the costs of purchasing additional capacity to treat Ceres' RWQCF, would be borne by the District, and would not only prepare the partner Agencies for future expansion of the NVRWP, but would provide other ancillary benefits for both of our agencies. We gratefully look forward to advancing this project in the months ahead.

Of immediate concern, however, is the District's lack of water supply for the 2022 growing season. In discussions with your Staff, it became evident that Ceres could potentially send an additional .9 mgd (≈1,008/AFY) to Turlock for treatment without the need for additional infrastructure or flow capacity purchase. This meaningful quantity would surely help the District's growers, and could be implemented simply by notifying Turlock that Ceres would be utilizing 1.8 mgd of 2.0 mgd capacity it already owns. The District, of course, would reimburse the City of Ceres for any electrical or treatment costs/penalties associated with the additional treated flow, payable in advance if requested. This letter serves as that commitment. We wish to implement this request immediately for 90-days, and possibly continue on a month to month basis for a minimum of one year, if possible.

Mr. Terrazas, with your approval, our agencies could implement this emergency request for assistance within 72 hours. If you are able to provide such approval, or if there are other requirements the City may have to do so, I respectfully request your soonest reply.

Very sincerely yours,

Anthea G. Hansen
General Manager

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**MEMORANDUM OF AGREEMENT REGARDING
PAYMENT OF COSTS FOR THE TEMPORARY INCREMENTAL INCREASE OF
WASTEWATER FROM THE CITY OF CERES TO THE TURLOCK TREATMENT
PLANT**

This Memorandum of Agreement (this "MOA") is entered into this ___th day of _____, 2022 (the "Effective Date"), by and among (i) the DEL PUERTO WATER DISTRICT ("District") and (ii) the CITY OF CERES ("City"). District and City shall sometimes be referred to herein individually as a "Party" and collectively as the "Parties".

RECITALS

1. District is a California Water District that receives from various sources, including the City of Turlock by way of that certain *Water Supply Agreement Between the City of Turlock and Del Puerto Water District*, dated May 10, 2016 (the "Turlock Contract").
2. The District and the City of Turlock entered into the Turlock Contract in connection with and in furtherance of the North Valley Regional Recycled Water Program ("Program"), and the related *May 2010 North Valley Regional Recycled Water Project Collaborative Partnership MOU* (the "MOU"), to which City, the City of Modesto and the County of Stanislaus are also signatories.
3. In connection with and in furtherance of the Turlock Contract, the Parties secured such agreements, permits, regulatory approvals, and other entitlements as are necessary for City to sell to District, and for District to take delivery of, NVRRWP Program Water (as defined in the Turlock Contract) from the Delta-Mendota Canal ("DMC").
4. The City and the City of Turlock have executed Agreements #1 and #2 which provide for the disposal of up to 2.0 MGD of secondary wastewater flow for further treatment at the Turlock treatment plant.
5. The City currently disposes approximately .9 MGD to the Turlock plant, underutilizing its existing capacity. The City potentially has available up to an additional .9 MGD which could be sent to Turlock on an immediate basis.
6. District desires to take delivery the additional flows resulting from the increases in disposal to the Turlock WWTP for irrigation purposes within its service area.
7. The Parties desire by this MOA to establish the preliminary terms and conditions governing such delivery, and District's obligations to cover all costs as are necessary to facilitate such delivery.

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AGREEMENT

NOW, THEREFORE, in light of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. District shall have the right, subject to such agreements, permits, regulatory approval and other entitlements as are necessary, to delivery of up to .9 MGD of increased flows from Ceres to Turlock.
2. District shall be solely responsible for all costs associated with the increased flows over the existing .9 MGD, including sewer use charges, TSS and BOD penalty charges, and any additional electrical costs incurred by the City.
3. City shall not be required to incur any unreimbursed out-of-pocket expenses in connection with this MOA.
4. District agrees to indemnify, defend and hold harmless City, and each of its officers, directors, employees and agents from and against any claims by third parties for losses, claims, demands and causes of action ("Claims") brought against an indemnified Party that arise out of, result from or relate to, in whole or in part, District's intentional or negligent acts, errors, omissions, breaches, defaults or failure to adhere to the terms and conditions of this MOA, to the extent of District's responsibility for the actions giving rise to any Claim.
5. Subject to the terms and conditions of Section 3 above, each Party agrees that it will, from time to time as necessary for the fulfillment of this MOA, perform, execute, and deliver all such further acts, agreements, and assurances as may be reasonably required to effectuate the terms and conditions hereof.
6. Except as otherwise provided herein, all obligations of the Parties will be suspended so long as, and to the extent that, the performance thereof will be prevented by Force Majeure including without limitation earthquakes, fires, tornadoes, facility failures, floods, drowning, strikes, other casualties or acts of God, orders of court or governmental agencies having jurisdiction over the subject matter hereof, or other events or causes beyond the control of the Parties.
7. This MOA cannot be assigned by any Party hereto without the prior written consent of the other Parties.
8. This MOA shall be governed and interpreted by and under the laws of the State of California. This MOA supersedes all prior discussions and agreements between and among the Parties with respect to the subject matter hereof and contains the sole and entire

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