Appendix B

Memorandum Between Association and Department of Water Resources

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

COPY

November 2, 2004

Mr. Walter Ward
Assistant General Manager
Water Resources
Modesto Irrigation District
Post Office Box 4060
Modesto, California 95352

Memorandum of Understanding for the Stanislaus and Tuolumne Rivers Groundwater Basin Association

Dear Mr. Ward:

I am returning to you one signed original of the Memorandum of Understanding (MOU) between the Stanislaus and Tuolumne Rivers Groundwater Basin Association (Association) and the California Department of Water Resources (DWR). Member agencies of the Association include the Modesto and Oakdale Irrigation Districts, Cities of Modesto, Oakdale, and Riverbank, and Stanislaus County. DWR is pleased to have reached this agreement and looks forward to working cooperatively to assist in the evaluation and implementation of conjunctive use programs and projects.

If you have any questions regarding the MOU or DWR's involvement, please contact me at (916) 651-9291 or Eric Hong at (916) 651-9232.

Sincerely,

John Woodling, Chief
Conjunctive Water Management Branch
Division of Planning and Local Assistance

Enclosure

cc: Ms. Paula Landis, Chief
San Joaquin District
Division of Planning and Local Assistance
3374 East Shields Avenue
Fresno, California 93726-6990

11-5-04 rch
original to secretary's office
Scanned - P water Resources DWR - MOU 10/7/04

MEMORANDUM OF UNDERSTANDING
TO WORK COOPERATIVELY TO IMPROVE SURFACE AND GROUNDWATER MANAGEMENT AND TO PROMOTE CONJUNCTIVE USE PROJECTS AND PROGRAMS IN THE MODESTO GROUNDWATER SUBBASIN

This Memorandum of Understanding (MOU) is entered into this 7th day of October, 2004, by and between the California Department of Water Resources (DWR) and the Stanislaus and Tuolumne Rivers Groundwater Basin Association (Association), also referred to collectively as "the Parties." Member agencies of the Association include the Modesto and Oakdale Irrigation Districts, Cities of Modesto, Oakdale, and Riverbank, and Stanislaus County.

RECITALS

A. Groundwater in the Modesto Subbasin has been and will remain a significant source of the water for the people, environment, and agribusiness of Stanislaus County and provides an invaluable contribution to the local economy and public wellbeing.

B. The Association and member agencies strive to increase the availability and reliability of local ground and surface water resources in the basin.

C. The Association and its member agencies have an interest in the management of its groundwater resources.

D. The Parties recognize that there is potential for improvement in groundwater management and for conjunctive management of ground and surface water resources, and are willing to explore the possibility of increasing the availability of dry-year supplies through regional conjunctive use efforts while protecting groundwater resources.

E. DWR seeks to facilitate and support local groundwater management efforts, particularly those that could increase dry-year water supplies, within the safe-yield and without the overdraft of groundwater basins.

F. Cooperation, open communication, and consensus building among the Modesto Subbasin stakeholders are needed to implement proposed water management actions.

ARTICLES

NOW, THEREFORE, the Parties recognize that this MOU is a statement of principles and not a binding agreement, and the Parties agree to the following principles:

1. The Parties will work cooperatively to formulate measures to manage and protect the groundwater resources of the Modesto Subbasin, to develop a conjunctive water management program, and to identify potentially feasible initiatives, programs, or projects that enhance the dependable yield of the Subbasin. In developing "Basin Management Objectives" (BMO), an initial review of possible programs or projects has been undertaken by the Association and is described in the "Draft Implementation Plan." These management objectives have been developed for an Integrated Regional Groundwater Management Plan for the Modesto Subbasin. The Parties will meet to review and determine if specific measures identified in developing the BMOs are technically, environmentally, economically, institutionally, socially, and legally feasible. This initial review shall be commonly referred to as "Phase I." An outline of the Phase I work, attached to this MOU as Appendix A, covers specific tasks that are to be performed as part of this initial review.

2. When the Parties have reached agreement on completion of Phase I, as described in Article 1 of this MOU, other activities to be completed cooperatively may include development and implementation of the programs and projects described in the Draft Implementation Plan.

3. To accomplish specific tasks outlined in Article 2, the Parties will enter into agreements that define the scope of work, cost sharing, schedule, and other details. Such specific agreements will be supplementary to, and consistent with, the objectives of this MOU.

4. The Parties will share all the technical data, analyses, conclusions, and findings developed through the course of implementing this MOU.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU as of the day and year first written above.

STANISLAUS AND TUOLOMNE RIVERS GROUNDWATER BASIN ASSOCIATION

By: Walter B. Ward

Title: Association Chairman

CALIFORNIA DEPARTMENT OF WATER RESOURCES

By: [illegible]

Title: Chief, Division of Planning and Local Assistance, DWR