



# LOWER SAN JOAQUIN LEVEE DISTRICT

11704 W. Henry Miller Avenue, Dos Palos, CA (559) 400-2077  
[info@LSJLD.org](mailto:info@LSJLD.org) [www.lsjld.specialdistrict.org](http://www.lsjld.specialdistrict.org)

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**NOTICE IS HEREBY BY GIVEN** that on Tuesday, February 11, 2025, at 8:30 a.m., the Board of Directors of the Lower San Joaquin Levee District will meet in the Board Room of the Henry Miller Reclamation District office located at 11704 W. Henry Miller Ave, Dos Palos, California.

## AGENDA

1. PLEDGE OF ALLEGIANCE
2. CORRECTION OR ADDITIONS  
The Board will consider corrections or additions to the agenda for items requiring immediate action that have come to the board's attention after posting the agenda.
3. APPROVAL OF MINUTES: Regular meetings of January 14, 2024.
4. LEGAL COUNSEL'S REPORT
  - a. Legislation: Review and consider taking action.
  - b. Report on other legal matters affecting the District.
5. SUPERINTENDENTS REPORT
  - a. Maintenance Crew Activity
6. ACTION ITEMS
  - a. Resolution 735-25: District Board of Directors stating no objection to Modesto Properties' encroachment permit application for the use of an existing drainage inlet culvert to Bear Creek to deliver pumped groundwater to the San Luis Wildlife Refuge.
7. SECRETARY-MANAGER'S REPORT
  - a. Flood Operations and District Updates.
  - b. DWR - Deferred Maintenance Program (DMP) Update.
  - c. DWR - Flood Maintenance Assistance Program (FMAP) Update.
  - d. DWR - Flood System Repair Program (FSRP) Update.
  - e. DWR – Regional Flood Management Plan (RFMP) Update.
8. BUDGET STATUS REPORT
  - a. Acknowledgment/Approval of claims for payment: Review and consider taking action.
9. OTHER BUSINESS
10. PUBLIC COMMENT: This is the time reserved for individuals to comment on Levee District business, not on the agenda (Comments will be limited to 5 minutes. Discussions that would be longer than the 5 minutes limit should be submitted for inclusion on the next regular agenda.).

## 11. ADJOURNMENT

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The Board will consider corrections or additions to the agenda for items requiring immediate action that have come to the Board's attention following the agenda's mailing. A person with a qualifying disability under the Americans with Disabilities Act may request the District provide modification or accommodation for participation in any public meeting of the District. Requests for assistance and for agendas and agenda packets shall be made in person, by telephone (559-400-2077), or by written correspondence to the District at least twenty- four hours before a meeting.

**LOWER SAN JOAQUIN LEVEE DISTRICT  
DOS PALOS, CALIFORNIA**

**RESOLUTION NO. 735-25**

**RESOLUTION OF THE BOARD OF DIRECTORS  
STATING NO OBJECTION TO MODESTO PROPERTIES' ENCROACHMENT  
PERMIT APPLICATION FOR USE OF AN EXISTING DRAINAGE INLET CULVERT  
TO BEAR CREEK TO DELIVER PUMPED GROUNDWATER TO THE SAN LUIS  
WILDLIFE REFUGE**

**WHEREAS**, the Lower San Joaquin Levee District (“the District”) is a levee district formed, organized, and operating pursuant to the Lower San Joaquin Levee District Act, California Water Code Appendix Chapter 75 (the “Act”); and

**WHEREAS**, the District’s Board of Directors and District staff reviewed Modesto Properties’ encroachment permit application (“Application”) for use of an existing drainage inlet culvert to Bear Creek that is attached to District water conveyance facilities to deliver pumped groundwater to the San Luis Wildlife Refuge; and

**WHEREAS**, upon receiving confirmation from the District that it does not object to the proposed Application, Modesto Properties intends to submit its Application to the Central Valley Flood Protection Board (“CVFPB”); and

**WHEREAS**, Modesto Properties has used the culvert to Bear Creek and another one to the south since approximately 2017 to deliver pumped groundwater to the San Luis Wildlife Refuge. The Application indicates the maximum volume to be pumped is 6,000 acre-feet per year. The agreement for deliveries involves Modesto Properties, the United States Bureau of Reclamation (“USBR”), and San Luis Water District (“SLWD”) which can receive up to 3,000 acre-feet per year by exchange; and

**WHEREAS**, on behalf of the District, Summers Engineering, Inc. (“Summers Engineering”) reviewed Modesto Properties’ Application and made various findings and recommendations to the District based on that Application, some of which are recited herein; and

**WHEREAS**, the groundwater pumped by Modesto Properties flows through their ditch to the entrance of the culvert before discharging into Bear Creek. It then flows approximately 1.4-miles downstream to the Bear Creek Pumping Plant, which is owned by the USBR and operated in partnership with the U.S. Fish and Wildlife Service (“USFW”). A turnout structure in the left bank of the East Side Bypass, immediately west of Howard Road, diverts flow to the pumping plant. From there it is distributed across the refuge through a system of pipelines and ditches. Merced Irrigation District delivers 20 cfs into Bear Creek and Modesto Properties delivers another 10 cfs through the draining inlet for a total delivery of 30 cfs to the refuge. Based on flow meter readings provided by Modesto Properties, it appears deliveries from the wells are made from August through January; and

**WHEREAS**, the pumping plant diversion is just downstream of the confluence of Bear Creek and the East Side Bypass so it is in the path of river restoration flows. There is no fish screen on the diversion structure, but the attached information provided by USFW indicates that improvements to the facilities, including a fish screen, are planned over the next two to 10 years; and

**WHEREAS**, in May of 2023, CVFPB issued a Notice to Comply which required Modesto Properties to stop their unauthorized use of the drain inlets and return them to pre-modified conditions. This involved restoring the flap gates on the water side of the culverts to their original operating condition and removing all associated flashboard and flow meter structures within the State's right-of-way. Modesto Properties has since complied with returning both drain inlets to pre-modified conditions and submitted the subject encroachment permit application for continued use of the upstream drain inlet at DSID 19896. Modesto Properties also installed new structures in their ditch, which are outside the State's right-of-way and will be used for measurement and control of the flow entering the drain inlet; and

**WHEREAS**, Summers Engineering determined the water deliveries by Modesto Properties described in the Application will result in flow occurring through the drain inlet and down Bear Creek much more often than it does for normal flood operations. More frequent flows could increase erosion and vegetation growth, requiring additional maintenance by the District; and

**WHEREAS**, Summers Engineering evaluated the potential impact of the groundwater pumping proposed in the Application in the vicinity of the East Side Bypass, and in an area that has experienced critical rates of land subsidence in recent years. Summers Engineering noted USBR mapping of subsidence for 2022-23 indicates subsidence rates have decreased to a range of 0 to 0.15-feet per year, and the data available indicates well levels have remained steady, and in some cases, have increased during the past three years. Summers Engineering concluded the risk of groundwater overdraft below the Corcoran Clay should be minimal; and

**WHEREAS**, based on Summers Engineering's review of the Application and follow up information, Summers Engineering does not expect Modesto Properties' continued delivery of groundwater to the Bear Creek Pumping Plant to have major adverse impacts on the District's operation and maintenance of the affected facilities, other than the potential for increased maintenance due to additional erosion and vegetation growth noted earlier. Well level data collected by Modesto Properties over the past few years indicates groundwater levels are steady or have improved slightly, and USBR monitoring indicates subsidence rates have decreased in the vicinity of Modesto Properties' wells; and

**WHEREAS**, Summers Engineering therefore recommends the District not object to the Application and notify CVFPB; and

**WHEREAS**, the District is the local maintaining agency responsible for operating and maintaining levees, bypasses, channels, control structures, and other facilities in

connection with the state-owned flood control facility, the Lower San Joaquin River Flood Control Project; and

**WHEREAS**, Water Code section 1810 prevents a local public agency from denying a bona fide transferor of water the use of a water conveyance facility which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use; and

**WHEREAS**, Water Code section 1811 defines “Unused capacity” as space that is available within the operational limits of the conveyance system and that the owner is not using during the period for which the transfer is proposed and which space is sufficient to convey the quantity of water proposed to be transferred; and

**WHEREAS**, Water Code section 1811 defines “Fair compensation” as the reasonable charges incurred by the owner of the conveyance system, including capital, operation, maintenance, and replacement costs, increased costs from any necessitated purchase of supplemental power, and including reasonable credit for any offsetting benefits for the use of the conveyance system; and

**WHEREAS**, as of 2025, the District’s annual operations and maintenance costs are approximately \$1,726,494.00 to operate and maintain 186.68 miles of District water conveyance facilities. Therefore, the annual cost per mile for operations and maintenance is \$9,248.41. Based on the Application, Modesto Properties seeks to convey water through approximately 1.37 miles of the District water conveyance facilities; and

**WHEREAS**, District intends to recover fair compensation from Modesto Properties for the use of District water conveyance facilities; and

**WHEREAS**, based upon the analysis and recommendation of Summers Engineering, the District desires to notify CVFPB, subject to certain conditions described below, that the District does not object to the Application.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Lower San Joaquin Levee District as follows:

1. The Board has considered Summers Engineering’s evaluation of the proposed diversion facilities and recommendation to the District regarding the Application and hereby does not object to the aforementioned Application, but does require the following conditions:

(a) Modesto Properties agrees to indemnify and hold the District harmless of any liability relative to its operation of the proposed diversion facilities or associated structures; and

(b) Modesto Properties acknowledges and recognizes the District must maintain a functioning flood channel system for passage of flood water, and agrees that in the

course of any access for their purposes shall not interfere with District's ability to move water through its system at the point involved; and

(c) Modesto Properties agrees to pay to District fair compensation for the conveyance of groundwater through District facilities, based on a conveyance fee per mile, in the total estimated annual amount of \$12,670.33 per year beginning in the year the Application is approved by CVFPB, subject to adjustments made by the Board pursuant to Proposition 26; and

(d) Modesto Properties acknowledges that, consistent with Water Code section 1812, its use of District water conveyance facilities are subject to compliance with District rules, regulations, and policies. District may impose additional requirements related to use of the District's water conveyance facilities and operations and maintenance, scheduling, quality, term, or use; and

(e) Consistent with Water Code section 1810, District's lack of objection to the Application and Modesto Properties' ability to utilize District water conveyance facilities is contingent on there being unused capacity in District water conveyance facilities.

3. The Board hereby authorizes District staff to transmit notification of this action to CVFPB.

4. The Board authorizes District staff/consultants and the Secretary to take such other and additional actions as may be reasonably necessary to implement the purpose of this Resolution.

**APPROVED AND ADOPTED** by the Board of Directors of the Lower San Joaquin Levee District on the \_\_\_ day of February, 2025, by the following vote:

Ayes:  
Noes:  
Abstain:  
Absent:

**Lower San Joaquin Levee District  
Dos Palos, CA**

By: \_\_\_\_\_  
Roy Catania, Chairman

**Attest**

By: \_\_\_\_\_  
Shane Swartz, GM/Secretary to the Board

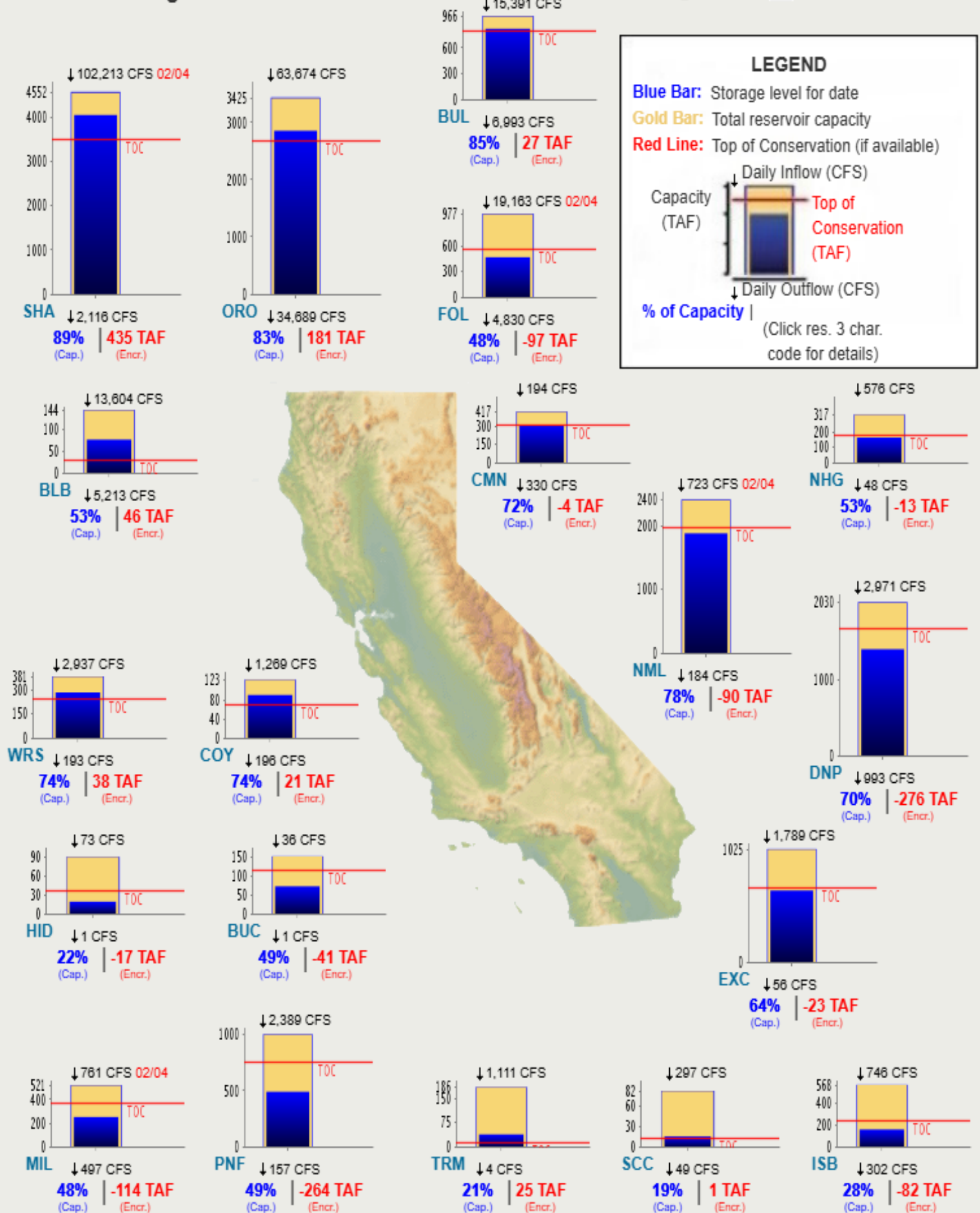
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# TOP OF CONSERVATION CONDITIONS:

## CENTRAL VALLEY AND RUSSIAN RIVER FLOOD CONTROL RESERVOIRS: 05-FEB-2025

Data as of Midnight: 05-Feb-2025

Change Date: 05-Feb-2025



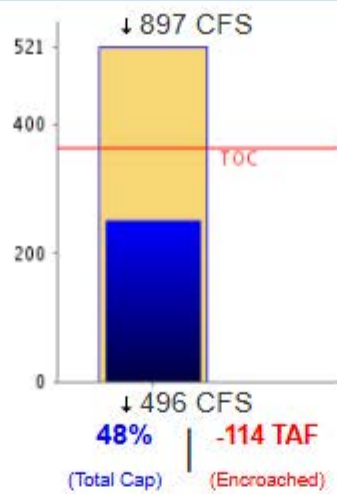
[Click for printable version of current data.](#)

Report Generated: 06-Feb-2025 10:42 AM

# Millerton - Top of Conservation Conditions, February 05, 2025



Major Reservoir TOC Current Conditions Graphs



Data as of Midnight: February 04, 2025

- Storage: 251,345 AF
- Reservoir Elevation: 511.58 FT
- 48% of Total Capacity
- -114 TAF Encroached For This Date
- Total Capacity: 520,500 AF
- Avg. Stor. February 05: 313,451 AF
- TOC Stor. 364,906 AF
- Daily Inflow: 897 CFS
- Daily Outflow: 496 CFS

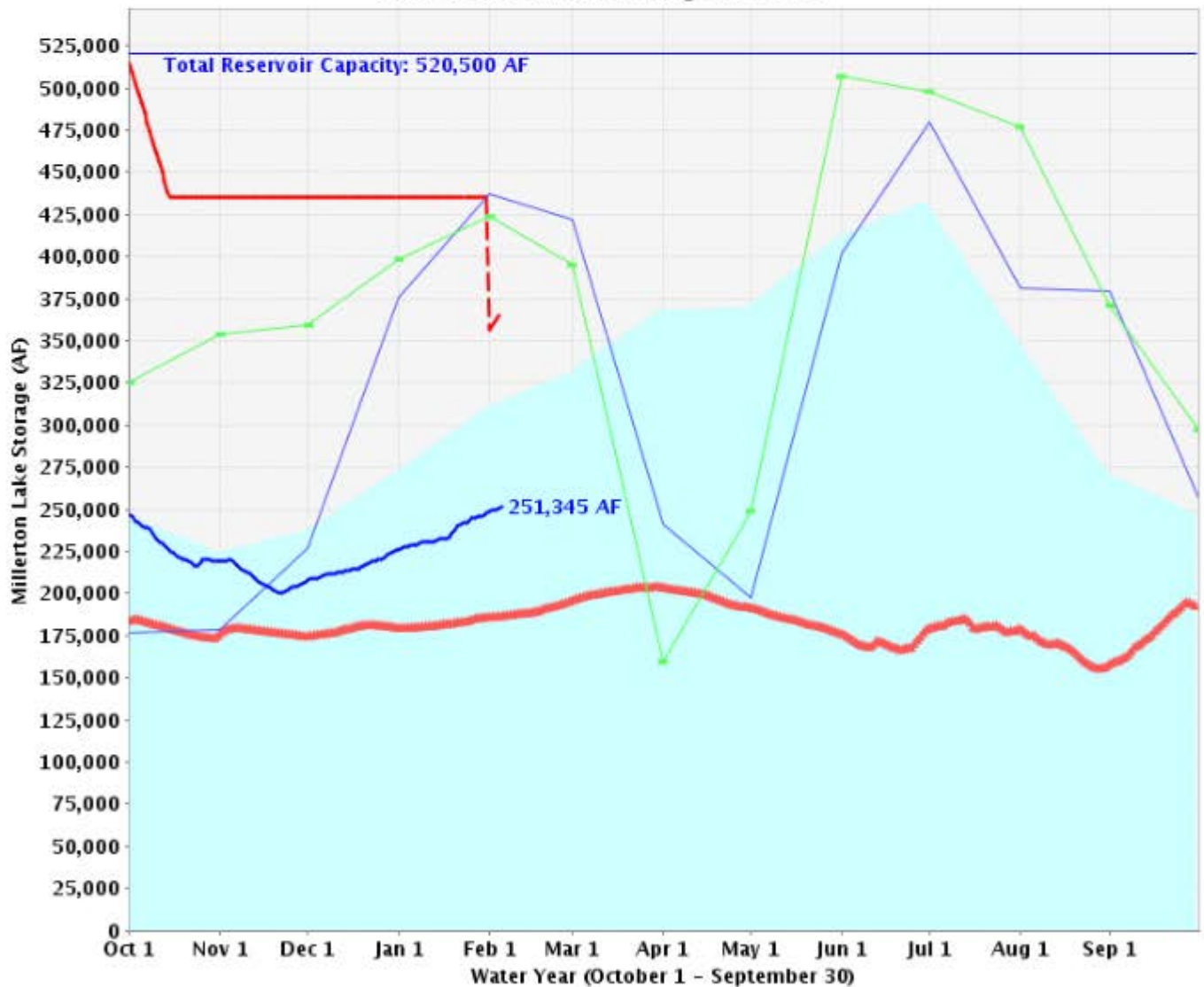
Change Date: 05-Feb-2025

## Millerton Storage Level Graph: Choose water years to plot:

- 1976-1977
- 2014-2015
- 1977-1978
- 1982-1983 (wet)
- 1988-1989
- 1989-1990

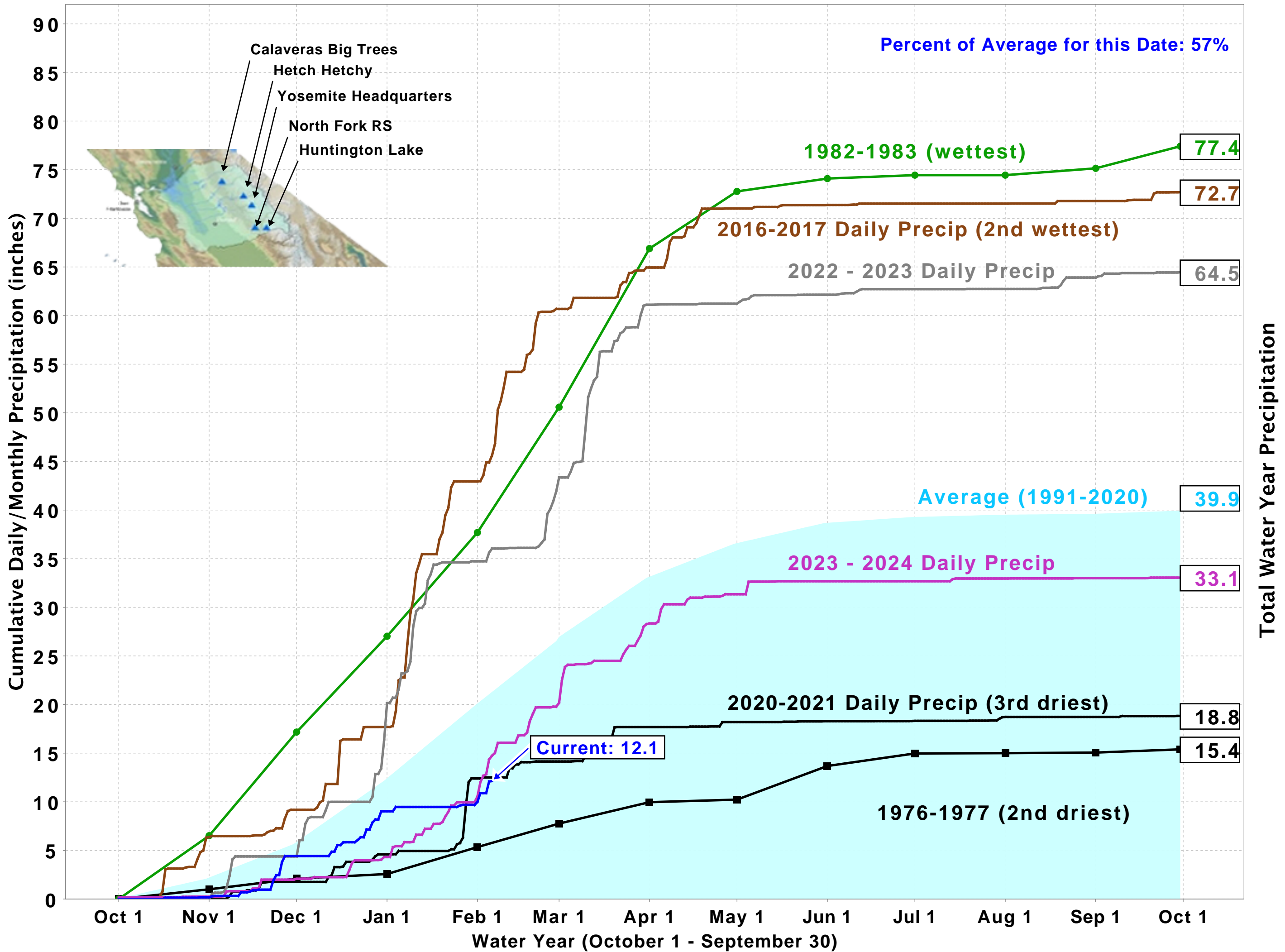
(ctrl+click for multiple selections)

## Millerton Lake Storage Levels



- Historical Average
- Total Reservoir Capacity
- TOC
- 2014-2015
- 1977-1978
- 1982-1983 (wet)
- 2024-2025 (current)

# San Joaquin Precipitation: 5-Station Index, February 06, 2025



2024	FRIANT DAM (USBR)										
	Natural River QA/QC	Millerton Inflow QA/QC	Total Upstream Storage			Friant Dam				Uncontrolled Season	Flood Mgmt Releases
			Millerton Lake Storage QA/QC	Mammoth Pool Storage QA/QC	Upstream Storage QA/QC	Spillway QA/QC	River Release QA/QC	Madera Canal QA/QC	Friant-Kern Canal QA/QC		
			AF	AF	AF	cfs	cfs	cfs	cfs		
			USBR	USBR	USBR	USBR	USBR	USBR	USBR		
01/01/25	701	751	226,148	33,149	251,863	0	442	0	0		
01/02/25	643	859	226,814	33,271	251,435	0	437	0	69		
01/03/25	695	823	227,480	33,395	251,182	0	435	0	46		
01/04/25	575	791	228,089	33,513	250,753	0	435	0	46		
01/05/25	527	778	228,608	33,611	250,256	0	435	0	69		
01/06/25	546	782	229,035	33,735	249,787	0	435	0	130		
01/07/25	954	700	229,157	33,715	250,290	0	435	0	202		
01/08/25	266	788	229,615	33,741	249,254	0	435	0	118		
01/09/25	209	860	230,438	33,788	247,963	0	435	0	0		
01/10/25	426	573	230,683	33,576	247,671	0	435	0	0		
01/11/25	534	566	230,683	33,327	247,607	0	435	0	123		
01/12/25	399	690	230,775	32,992	247,030	0	429	0	203		
01/13/25	516	742	230,990	32,591	246,582	0	425	0	203		
01/14/25	529	1,137	231,975	32,224	245,376	0	425	0	203		
01/15/25	526	745	232,191	32,147	244,942	0	425	0	204		
01/16/25	337	639	232,344	31,719	244,342	0	425	0	119		
01/17/25	534	590	232,652	31,754	244,231	0	425	0	0		
01/18/25	439	1,036	233,853	30,705	243,047	0	425	0	0		
01/19/25	507	1,306	235,590	29,618	241,462	0	425	0	0		
01/20/25	372	1,330	237,361	28,191	239,561	0	426	0	0		
01/21/25	224	1,915	240,019	26,593	236,206	0	442	0	130		
01/22/25	487	1,419	241,532	24,489	234,357	0	445	0	202		
01/23/25	531	1,116	242,352	23,731	233,196	0	439	0	191		
01/24/25	435	695	242,446	23,291	232,681	0	439	0	191		
01/25/25	338	1,080	243,299	22,506	231,209	0	439	0	191		
01/26/25	571	1,257	244,538	21,152	229,848	0	440	0	188		
01/27/25	338	844	244,951	19,937	228,844	0	440	0	188		
01/28/25	229	901	245,681	19,221	227,511	0	431	0	94		
01/29/25	665	637	245,872	18,675	227,566	0	410	0	125		
01/30/25	325	890	246,572	17,573	226,446	0	406	0	125		
01/31/25	452	1,059	247,626	16,910	225,243	0	397	0	123		
02/01/25	664	894	248,360	16,554	224,787	0	395	0	123		
02/02/25	1,059	1,018	249,318	16,871	224,869	0	395	0	123		
02/03/25	970	950	250,090	17,616	224,908	0	395	0	143		
02/04/25	1,289	761	250,572	18,655	225,956	0	395	0	102		
02/05/25	3,692	897	251,345	23,068	231,500	0	395	0	101		



# STATEWIDE SNOW WATER CONTENT

## CURRENT REGIONAL SNOWPACK FROM AUTOMATED SNOW SENSORS

% of April 1 Average / % of Normal for This Date



NORTH	
Data as of February 6, 2025	
Number of Stations Reporting	24
Average snow water equivalent (Inches)	19.6
Percent of April 1 Average (%)	74
Percent of normal for this date (%)	114

CENTRAL	
Data as of February 6, 2025	
Number of Stations Reporting	50
Average snow water equivalent (Inches)	12.7
Percent of April 1 Average (%)	45
Percent of normal for this date (%)	69

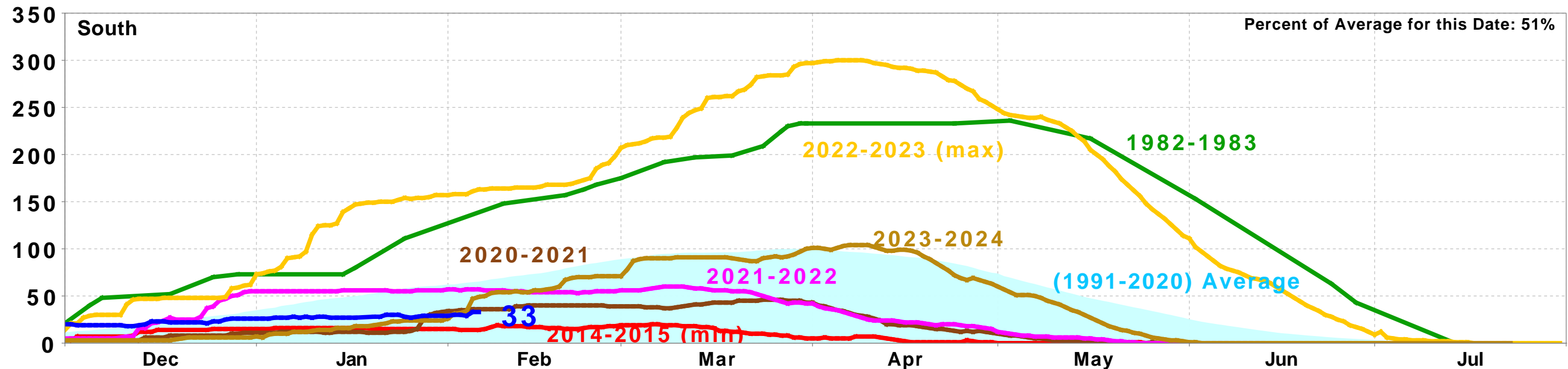
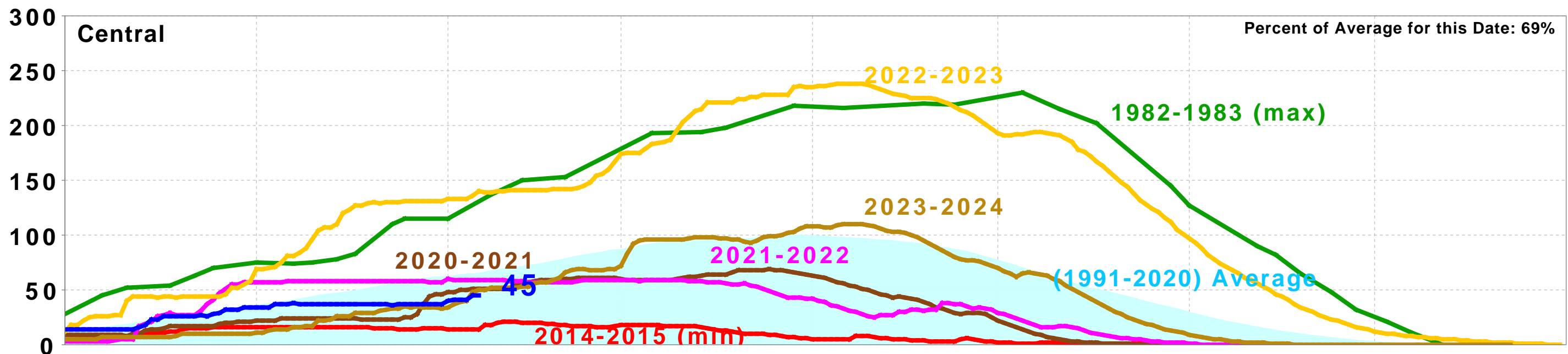
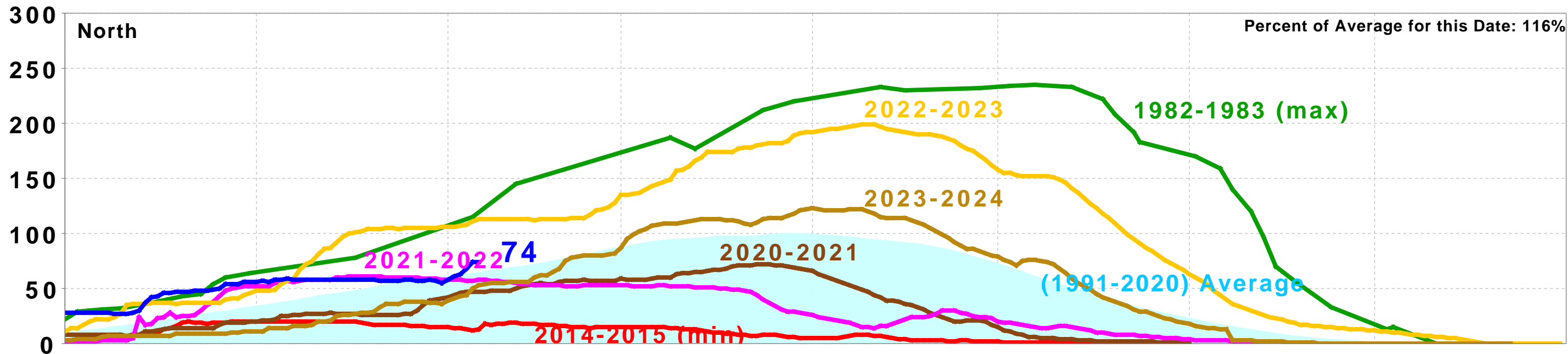
SOUTH	
Data as of February 6, 2025	
Number of Stations Reporting	27
Average snow water equivalent (Inches)	7.7
Percent of April 1 Average (%)	33
Percent of normal for this date (%)	51

STATE	
Data as of February 6, 2025	
Number of Stations Reporting	101
Average snow water equivalent (Inches)	13.0
Percent of April 1 Average (%)	49
Percent of normal for this date (%)	75

**Statewide Average: 49% / 75%**

Data as of February 6, 2025

# California Snow Water Content, February 6, 2025, Percent of April 1 Average



Statewide Percent of April 1: 49%

Statewide Percent of Average for Date: 75%