



Meeting of the California Water Commission

Wednesday, November 16, 2011

Beginning at 9:00 a.m.

State of California Resources Building

1416 Ninth Street, First Floor Auditorium

Sacramento, CA 95814

1. Welcome and Introductions

Chair Anthony Saracino called to order the meeting of the California Water Commission (CWC) at 9:03 a.m.

2. Roll Call

Interim Executive Officer Sue Sims called roll. The following members were present: Joe Byrne, Dave Cogdill, Daniel Curtin, Joe Del Bosque, Kim Delfino, Luther Hintz, Paul Kelley, and Anthony Saracino. Andrew Ball was absent.

3. Approval of minutes

A motion was made and seconded to approve the draft minutes from the October 19, 2011 meeting. A vote was taken and the motion passed unanimously.

4. Executive Officer's Update

Sue Sims noted that a draft report on Methods for the Quantification of Public Benefits of Water Storage Projects, as well as a list of key issues and questions for the Commissioners, will be sent in December. The State Water Board and the Department of Fish and Game are also finalizing their lists of priorities for submission to the Commission. Ms. Sims announced that staff is in the process of putting together a summary of the workshops on water storage, which will be posted along with the presentations on the website. It was also noted that Commissioners Dave Cogdill and Paul Kelley will be leaving CWC at the end of this year and will be greatly missed. Lastly, she noted agenda item 31 would be taken out of order.

31. Action Item: Set meeting schedule for 2012

In 2011, the Commission met on the third Wednesday of every month in the Resources Building auditorium in Sacramento. A motion was made and seconded to continue this schedule in 2012. A vote was taken and the motion passed unanimously. *NOTE: Following the meeting, it was noted that the regularly-scheduled date for the November meeting would be the day before Thanksgiving. The November meeting will be held on the second Wednesday, November 14, 2012.*

5. Action Item: Appointment of Executive Officer

Chair Anthony Saracino introduced this item. He suggested formalizing Sue Sims' title. The action will not change her position or the work she performs for the Commission; it is simply an acknowledgement by the Commission that she is serving as the Executive Officer. The motion was

made and seconded to approve her appointment as Executive Officer. A vote was taken and the motion passed unanimously.

6. Update on DWR Activities Related to Proposed Resolutions of Necessity for Properties in Sacramento, Yolo, and Solano Counties

Allan Davis, Chief of DWR's Delta Engineering Branch Real Estate Office, discussed a draft Declaration by Richard Sanchez, Chief of the Division of Engineering and Executive Manager for the Delta Habitat Conservation and Conveyance Program (DHCCP), in support of the Department of Water Resources' request for Resolutions of Necessity (RON). The draft document explains the four findings required for a Resolution of Necessity. They are as follows: 1) The public interest and necessity require the proposed project, 2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, 3) The property described in the resolution is necessary for the proposed project, and 4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence. (CCP § 1245.245 and 1245.030)

Additionally, Mr. Davis followed up on the topic of funding agreements from the October, 19, 2011 meeting. Through the State Water Project contractors, all required funds were obtained for the geotechnical research.

Mr. Davis also mentioned the Superior Court rejected the petition which challenged the sufficiency of Department of Water Resources' Mitigated Negative Declaration. The ruling was made by Judge Connelly of the San Joaquin County Superior Court.

Public Comments

Melinda Terry spoke on behalf of the North Delta Water Agency. Ms. Terry would like to know the criteria used to make the findings regarding the condemnation of properties. She questioned how the locations and numbers of properties needed are determined. Lastly, Ms. Terry questioned why the specific parcels of private land are more necessary than the adjoining public land.

Melinda Terry also spoke on behalf of Central Valley Flood Control Agency. She raised a concern regarding the proximity of the drill sites to the levees. The U.S. Army Corps of Engineers is interested in finding out where the drilling locations are and would like to cooperate with the Department of Water Resources (DWR) to ensure public safety.

Peter Stone, Delta Landowner, stated the legal description of the proposed land to be considered for a RON as 16' x 4' x 4' is not accurate. He also stated the property should be automatically quit-claimed back to the land owners upon completion of the geotechnical research project instead of upon request. Mr. Stone suggested this happen within a period of three months.

Dan Whaley, Sutter Island, Property Owner, stated it is not necessary for DWR to drill down 200 feet. Mr. Whaley also stated he would like the project to be more defined. Mr. Whaley stated DWR should see if there are sufficient funds for the canal or tunnel.

Dante Nomellini Jr. spoke about DWR's lack of pre-condemnation surveys. Mr. Nomellini commented that DWR should be working with the Army Corps of Engineers to plan the drilling

locations and that historical data should be sufficient for DWR's purposes.

Mr. Davis continued, adding that two out of 59 properties, with a total of 56 landowners had been settled via voluntary transaction. Agenda item 10 was one of the settled properties and has been removed from the agenda.

7. Marc & Kelly Ariza, RON 2011-23

Mr. Davis provided an overview of this property and noted DWR has made a total of 18 contacts with the property owner via letters, telephone calls, and in person. The property owner has not made any requests of DWR at this time. Mr. Davis referred to the map to show where the drilling will occur and informed the Commission that GPS coordinates of the exact drilling locations will be provided to the property owner. Owner was not present at this time.

Commissioner Kelley suggested adding language guaranteeing DWR will quit claim the property back to the owner into the resolution. The timeframe for automatically quit claiming the property back to the property owners, or abandoning any other ownership upon completion of the geotechnical research, will be 120 days. This will be included as item 10 on all of the resolutions.

A motion was made and seconded to adopt Resolution of Necessity 2011-23 and include the language "Within 120 days of completion of its geotechnical work on the property and at no cost to the landowner, the Department will quit claim its permanent easement in favor of the landowner or otherwise abandon its attempt to acquire a permanent easement on the property." A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

8. The Douglas and Patricia Allen Trust, RON 2011-29

Mr. Davis provided an overview of this property and noted DWR has made 16 contacts with the property owner via letters and telephone calls. The property owner is opposed to the project and has not sent in other considerations to DWR. The owner was not present.

A motion was made and seconded to approve RON 2011-29 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

9. The Fahn Family, et al; Michael Fahn, RON 2011-10

Mr. Davis provided an overview of this property and noted DWR has made a total of 24 contacts with the property owner via letters, telephone calls, emails and in person. The property owner is concerned about the potential discovery of hazardous materials.

Mr. Fahn, the owner, spoke regarding this property. Mr. Fahn stated DWR has not offered to stake the property, however he had not asked. He stated that he is closer to making a deal with DWR, as

DWR has been very reasonable. Mr. Fahn stated he does not see a need for permanent easement; a temporary easement should suffice based on the reasonable relationship between himself and DWR. There was also email correspondence regarding who will be financially responsible if toxics are found on the property. Chair Saracino stated temporary easements are not an option, however a quit claim would be included as part of the resolution.

A motion was made and seconded to approve RON 2011-10 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino
Noes: 0
Absent: Ball

10. Robert Hilarides and Sharon Hilarides, RON 2011-19

This item was removed from the agenda.

11. Steve & Ann Mello Family Trust, RON 2011-11

Mr. Davis provided an overview of this property and noted DWR has made 22 contacts with the property owner via letters, telephone calls, and emails. The property owner concerns include water quality, oxidations of organic soils, and seepage. The property owner requested to have the location moved to a less agricultural area. DWR complied and also offered a temporary easement alternative. The property owner is not willing to negotiate until all areas of concern are addressed. The owner was not present.

A motion was made and seconded to approve RON 2011-11 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino
Noes: 0
Absent: Ball

12. Donna L. Reed, RON 2011-25

Mr. Davis provided an overview of this property and noted DWR has made a total of 17 contacts with the property owner via letters, telephone calls, and emails. The property owner is opposed to the project and has not provided any design modifications for DWR to consider. Tom Keeling, an attorney representing the owner, spoke regarding this property. He noted that Ms. Reed is out of the country and does not respond to emails.

Mr. Keeling made several comments that would be applicable to all properties he represents on this issue. Mr. Keeling raised concerns regarding funding of the geotechnical studies. He stated that DWR has funding for the geotechnical studies, not the Bay Delta Conservation Project (BDCP). He also stated that DWR needs to provide more legal descriptions in addition to the maps and that DWR has not offered to stake any property other than that belonging to the Seebecks.

Mr. Keeling commented DWR should have filed a routine Temporary Entry Permit (TEP) request. Instead, DWR filed eminent domain over a "mysterious" location. Chair Saracino stated the location

is not “mysterious” and is shown on a map as a 20’ x 20’ area. Mr. Keeling assumes these locations are not correct, as they have been moved three times on other properties. Mr. Davis clarified that some property owners have asked for the hole location to be moved and it has been.

Mr. Keeling stated that the offers DWR extended to the property owners identified these borings as being needed for the BDCP EIR/EIR; however, the research is no longer needed for the EIR/EIS. Additionally, the property owners have not had sufficient time to evaluate the offers made to them by DWR and have their own appraisals done. Clients of Mr. Keeling have made general requests regarding their property and DWR has complied.

A motion was made and seconded to approve RON 2011-25 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

13. Melvin E. Seebeck, Jr. and Lois A. Seebeck; William G. Seebeck; The Seebeck Family Trust; Cynthia K. Seebeck, et al, RON 2011-13

Mr. Davis provided an overview of this property and noted DWR has made a total of 28 contacts with the property owner via letters, telephone calls, emails, and in person. DWR has staked the property and there are no outstanding issues at this time.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Mr. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. He also noted, three holes have been relocated and the property owner is satisfied in knowing where the drilling will take place. The property owner has not yet evaluated the offers nor had an appraisal. The drilling site is located on an updated map.

A motion was made and seconded to approve RON 2011-13 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

14. Melvin Edward Seebeck, Jr., Trustee; Lois Arlene Seebeck, Trustee; Seebeck Family Trust, RON 2011-09

Mr. Davis provided an overview of this property and noted DWR has made a total of 28 contacts with the property owner via letters, telephone calls, emails, and in person. The property owner is concerned about an accurate legal description of the property to be drilled. DWR has staked the property and there are no other outstanding issues at this time.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Mr. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. Comments for this property are identical to agenda item 13, RON 2011-13 and are as follows: Three holes have been relocated and the property owner is satisfied in

knowing where the drilling will take place. The property owner has not yet evaluated the offers nor had an appraisal. The drilling site is located on an updated map.

A motion was made and seconded to approve RON 2011-09 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

15. Trustees of the Arch Revocable Living Trust, RON 2011-31

Mr. Davis provided an overview of this property and noted DWR has made a total of 27 contacts with the property owner via letters, telephone calls, and in person. The property owner concerns include the purposed drilling location and the issue of permanent easement. An alternative location was suggested and DWR complied. Additionally, DWR offered a temporary easement but still needs to update the damage policy and time frame. A revised contract was sent to the property owner on November 4, 2011.

At this time there is still no agreement for a temporary easement and DWR has not been able to settle on this property even though all requests of DWR have been met. No additional areas of concern have been expressed by the property owner. The property owner was not present.

A motion was made and seconded to approve RON 2011-31 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

16. The Backer Family Trust; John A. Backer, Trustee; Alice A. Backer, Trustee, RON 2011-17

Mr. Davis provided an overview of this property and noted DWR has made a total of 25 contacts with the property owner via letters, telephone calls, and in person. The property owner concerns include the geotechnical activities and that DWR perform their research while exerting caution. The property owner would also like to be reimbursed for any damages. Lastly, there is a concern about the specific location where the drilling will occur. The owner was not present.

A motion was made and seconded to approve RON 2011-17 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

17. River Maid Land Company; Attn: Chiles R. Wilson, Agent of Service, RON 2011-12

Mr. Davis provided an overview of this property and noted DWR has made a total of 34 contacts with the property owner via letters, telephone calls, and emails. The property owner concerns

include permanent easement, disagreement regarding the compensation offer, interference with agricultural operations and damage to asparagus crops. DWR has offered an appraisal of the property, will pay for any damages done to the crops, work with the harvest schedule, and move the drilling location upon request of the property owner.

Daniel Wilson spoke regarding this property. Mr. Wilson stated the description of the drilling location is too vague and would like to have the land staked. There is a high pressured gas line and permanent crops on the property. He also suggested that DWR make a blanket offer to all affected properties to stake the drilling location for them. All compromises DWR arrives at for a property should be extended to all properties. Lastly, Mr. Wilson questioned if the easements do in fact need to be permanent if certain property owners are settling with temporary easements.

A motion was made and seconded to approve RON 2011-12 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

18. River Maid Land Co., RON 2011-14

Mr. Davis provided an overview of this property and noted DWR has made a total of 34 contacts with the property owner via letters, telephone calls, and emails. The property owner concerns include disagreement regarding compensation, an appraisal, reimbursement for damages, drilling locations, and interference with agricultural activities. DWR has given GPS coordinates of the drilling location and is willing to work around the harvest schedule.

Daniel Wilson spoke regarding this property. Mr. Wilson stated the description of the drilling location is too vague and would like to have the land staked. There are 100 old trees, a permanent sprinkler system, and multiple family assets on the property. Mr. Wilson also mentioned the easement goes across property that River Maid does not own and those property owners have not been contacted. Commissioner Delfino stated DWR will need to get rights to that property seeking rights to Mr. Wilson's land. She cautioned DWR that work is being done out of order. Chair Saracino noted DWR has condemned property without having permission to access it. This agenda item and proposed RON will be held until a further meeting.

A motion was made and seconded to hold the issue until a future meeting. The motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

19. Amistad Ranches, Inc.; Attn: Russell E. Van Loben Sels, Agent of Service, RON 2011-20

Mr. Davis provided an overview of this property and noted DWR has made a total of 18 contacts with the property owner via letters, telephone calls, emails, and in person. The property owner is concerned with the drilling locations. An alternative location was suggested and DWR complied. DWR has not been provided with any additional concerns. The owner was not present. A motion was made and seconded to approve RON 2011-20 as previously amended. A vote was taken and the

motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino
Noes: 0
Absent: Ball

20. Steven S. and Susan M. Oates; John W. and Rosalia Fernandez-Merwin; Alison L. Merwin-Eyster, RON 2011-06

Mr. Davis provided an overview of this property and noted DWR has made a total of 33 contacts with the property owner via letters, telephone calls, emails, and in person. The property owner is concerned with the permanent easement. DWR offered a temporary easement. No additional concerns have been expressed.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. He noted the property owner has not had an opportunity to have an appraisal for the property and had not received an appropriate offer for the property. He stated that in this case the public benefit does not outweigh the private injury as there will be significant damage to agriculture. Lastly, pesticides are used on the property and the owners would like to be indemnified against any harm caused to DWR employees by their contact with these pesticides. Chair Saracino asked where any potential agricultural damage would occur. Mr. Keeling stated the hole will go into the field and damage active crops.

A motion was made and seconded to approve RON 2011-06 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino
Noes: 0
Absent: Ball

21. Peter & Karen Stone, RON 2011-21

Mr. Davis provided an overview of this property and noted DWR has made a total of 29 contacts with the property owner via letters, telephone calls, emails, and in person. The property owner concerns include drilling location, DWR accessing neighboring parcels of property, hazardous materials, and the drilling near the levee. DWR moved the drilling to the location suggested by the landowner. DWR needs to access neighboring parcels in order to work in the safest and most sufficient manner. Lastly, all geotechnical research will be done with caution regarding all levees.

Peter Stone, owner, spoke regarding this property. Stone stated the property has not been staked and he would like to request that be done. There is also a question of how many drilling sites are needed. Mr. Stone made the following requests: Any change made to a property should be made available to all properties, and DWR should provide a more detailed description of the parcels, post updates and summaries from all meetings, make temporary easements available, add language in the resolution regarding cancellation of the project, test the drinking water three times and allow the property owner to choose the water testing company, add language to the resolution regarding protocol if drinking water is damaged, and encase drilling holes in steel. Additionally, he requested

that no environmental testing be done except for what has been previously disclosed and that property owners not be held liable for hazardous waste discovery. Lastly, Mr. Stone requested that the top 10 feet of soil are replaced exactly as it was, including proper contents.

A motion was made and seconded to approve RON 2011-21 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

22. J.H. Jonson & Sons, Inc., RON 2011-27

Mr. Davis provided an overview of this property and noted DWR has made a total of 23 contacts with the property owner via letters, telephone calls, and in person. The property owner concerns include temporary easement, legal description, time for completion, and question of the design. DWR has answered questions regarding design and sent additional information regarding all areas of concern.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. He stated the property owner has not had sufficient time to evaluate the offer made for the property. The chosen location is on sensitive land. Additional concerns include pesticides, water contamination, potential discovery of hazardous materials, and the project has not been reasonably define and may actually be for a canal or tunnel.

A motion was made and seconded to approve RON 2011-27 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

23. Borges Ranch, LLC; Joseph M. Borges; Gina Borges-Valdez; Mark George Scribner, Jr. and Lorraine G. Scribner; Henrietta J. Brown, RON 2011-24

Mr. Davis provided an overview of this property and noted DWR has made a total of 24 contacts with the property owner via letters, telephone calls, and in person. The property owner is concerned with the drilling location. An alternative location was chosen and DWR complied. Owner was not present.

A motion was made and seconded to approve RON 2011-24 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

24. Mahinder Singh Dhaliwal and Tawnya M. Dhaliwal, RON 2011-26

Mr. Davis provided an overview of this property and noted DWR has made a total of 20 contacts with the property owner via letters, telephone calls, and in person. The property owner is concerned with the drilling location and number of holes to be drilled. The property owner requested that DWR decrease the number of holes and DWR complied. Commissioner Hintz noted it was requested that DWR use an alternative access over which the property owner does not own. Mr. Davis assured Commissioner Hintz that the owner had an easement for the access road that could be extended to DWR. Owner was not present.

A motion was made and seconded to approve RON 2011-26 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

25. George and Elizabeth Smith Trust, RON 2011-18

Mr. Davis provided an overview of this property and noted DWR has made a total of 23 contacts with the property owner via letters, telephone calls, and in person. The property owner concerns include location of drilling, and the owner had suggested DWR considering drilling on an adjacent school property. DWR found that the adjacent school property is private. No drilling will be performed in this property. DWR will dig a test pit which will be filled with native substance from the test pit. This does not constitute a permanent taking from this property; a temporary easement will be utilized.

A motion was made and seconded to approve RON and 2011-18 strike the language “the Permanent and” from the resolution. A vote was taken and the motion passed unanimously.

A motion was made and seconded to approve RON 2011-26 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

26. W R Cave Ranch, LLC; Attn: Margaret Cave Baum, RON 2011-30

Mr. Davis provided an overview of this property and noted DWR has made a total of 20 contacts with the property owner via letters, telephone calls, and emails. The property owner is opposed to this project and has not submitted any requests to DWR for design modifications.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. Mr. Keeling stated accessing the drill location can result in damage to mature pear trees. This was not brought up in the appraisal. The property owner requests to please access the drill location from 160 instead of going through the property. Commissioner Delfino noted that the issue of accessing the drilling site was reviewed in October. DWR looked at the site and found there are very steep slopes surrounding the property. Mr. Keeling state he would like DWR to considering using a ramp or another alternative.

A motion was made and seconded to approve RON 2011-30 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

27. The Michael G. Leary Trust; Michael G. Leary, Trustee; Dennis Leary, Trustee, RON 2011-28

Mr. Davis provided an overview of this property and noted DWR has made a total of 21 contacts with the property owner via letters, telephone calls, and in person. The property owner is concerned with the drilling location. An alternative location was suggested and DWR complied.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. Mr. Keeling stated this is sensitive property that could easily be damaged.

A motion was made and seconded to approve RON 2011-28 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

28. Zehnder Family Trust, RON 2011-22

Mr. Davis provided an overview of this property and noted DWR has made a total of 21 contacts with the property owner via letters, telephone calls, emails, and in person. The property owner is concerned with the drilling location. An alternative location was suggested and DWR complied.

Tom Keeling, an attorney representing the owner, spoke regarding this property. Keeling noted that comments made during agenda item 12, the Donna L. Reed property, RON 2011-25, were also applicable to this property. Mr. Keeling stated the comments made at the September 21, 2011 meeting are also applicable to this property.

A motion was made and seconded to approve RON 2011-22 as previously amended. A vote was taken and the motion passed.

Ayes: Byrne, Cogdill, Curtin, Del Bosque, Delfino, Hintz, Kelley, Saracino

Noes: 0

Absent: Ball

30. Action Item: Approval of the State Water Project Annual Report (Taken out of Order)

Ms. Sims provided an overview of the Draft State Water Project Annual Report. The report includes an overview of the project, operations, proposed construction projects, the Delta Habitat Conservation and Conveyance Program (DHCCP), a letter from the Commission regarding critical

personnel issues, and CWC findings. Mr. Curtin asked if a response was received in regards to the CWC's March 2011 letter. Ms. Sims stated that although no formal response was received, the critical issues are an on-going conversation with administration.

A motion was made and seconded to approve the State Water Project Annual Report upon completion of minor revisions. A vote was taken and the motion passed.

29. Action Item: Consideration of Agricultural Water Measurement regulations

Dr. Manucher Alemi, Chief of DWR's Water Use and Efficiency Branch, stated that the Bureau of Reclamation is currently updating their 2008 Standard Criteria for Evaluating Water Management Plans as well as creating a guide book. As of January 1, 2012, most CVP water suppliers will have to comply with those requirements. Dr. Alemi stated that paragraph (i) of the current draft regulation refers to 2008 criteria and recommended the Commission replace the reference to the 2011 criteria. In the proposed 2011 Criteria, water suppliers will need to provide documentation that they are within the required accuracy range. This more closely mirrors the proposed state requirements. If the suppliers did not meet the 2011 federal criteria they would be required to meet the state criteria. If the proposed language is adopted, the regulation will go out for an additional 15-day public comment period before coming back to the Commission for final approval and transmittal to the Office of Administrative Law (OAL). However, if the Commission approves the regulations in their current form and they are approved by OAL, the Commission would have to address the issue again in January 2012. In order to update the reference from the 2008 to 2011 criteria, a new rulemaking would begin including a minimum 45-day public comment period.

A motion was made and seconded to move forward with the staff recommendation of adding in the proposed language as specified in Section 5.973c. A vote was taken and the motion failed.

Ayes: Byrne, Delfino, Kelley, Saracino

Noes: Cogdill, Curtin, Del Bosque, Hintz

Absent: Ball

Another motion was made and seconded to move forward and approve the Regulation as previously adopted at the October 19, 2011 Commission meeting. Motion passed 5 to 3.

Ayes: Cogdill, Curtin, Del Bosque, Hintz, Kelley

Noes: Byrne, Delfino, Saracino

Absent: Ball

32. Consideration of items for next California Water Commission meeting

Topics for upcoming CWC meetings include the following: Election of Commission Chair and Committee Chairs, a briefing on special flood control projects, update on the agricultural water measurement regulations, and a presentation on the work to develop a methodology for quantifying public benefits of storage projects.

33. Public Comments

None

34. Adjourn

The meeting was adjourned by Chair Saracino at 3:09 p.m.