

**FEDERAL ENERGY REGULATORY COMMISSION**  
Washington, D. C. 20426

**OFFICE OF ENERGY PROJECTS**

Project No. 2299 - 061  
Don Pedro Project  
Turlock Irrigation District  
Modesto Irrigation District

**MAY 30 2007**

Larry Weis, General Manager  
Turlock Irrigation District  
P. O. Box 949  
Turlock, CA 95381

Allen Short, General Manager  
Modesto Irrigation District  
P. O. Box 4060  
Modesto, CA 95352

**Subject: April 15 - May 31 Flow Schedule Under Article 37**

**Dear Messrs. Weis and Short:**

We received a copy of a letter dated April 18, 2007, from Robert Nees, Assistant General Manager of the Turlock Irrigation District, to California Department of Fish and Game (CDFG) and the U. S. Fish and Wildlife Service (USFWS) staff. The letter transmitted to these agencies a revised instream flow schedule, based on an April 10, 2007, runoff forecast update from the California Department of Water Resources (DWR).

Article 37 requires you to maintain minimum streamflows in the Tuolumne River at the La Grange Bridge. The flow required is dependent upon the water year classification, as determined by the California State Water Resources Control Board (State Board) 60-20-20 Water Supply Index and the DWR April 1 San Joaquin Valley unimpaired runoff forecast.

Your letter cites a DWR April 1, 2007, 60-20-20 San Joaquin Basin Index as the source of information for the latest revision to the minimum streamflow schedule. Please advise us if a modification to the flow determination process has occurred, and if so, when this change occurred.

Additionally, Article 37 states the volume of the flow shall be periodically adjusted upon agreement among the licensees, the CDFG, and the USFWS after April 1 as more runoff information becomes available. Your filing did not indicate that the Modesto Irrigation District, the CDFG, and the USFWS agreed with the revision, nor did it request their concurrence. Please advise us if your April 18, 2007, letter was the initial phase of seeking this concurrence, or if the process of revising the flow release schedule has changed from that required by the license.

Within 30 days of the date of this letter, send an original and seven copies of your response to these matters to:


Office of the Secretary  
Federal Energy Regulatory Commission  
888 First Street, Northeast  
Washington, D. C. 20426

A copy of your response should be sent under separate cover to:

Mr. Philip Scordelis  
FERC, DHAC  
901 Market Street, Suite 350  
San Francisco, CA 94103

If you have any additional information or questions about these matters, contact Mr. Scordelis at (415) 369-3335.

Sincerely,

  
George H. Taylor, Chief  
Biological Resources Branch  
Division of Hydropower Administration  
and Compliance