

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

FERC No. 2299 - 062  
Don Pedro Project  
Turlock Irrigation District  
Modesto Irrigation District

**AUG 29 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: 2007 Spring Pulse Flows Under Article 37

Dear Messrs. Weis and Short:

The California Department of Fish and Game (CDFG) filed on July 20, 2007, an allegation that you did not release the required volume of water for the 2007 spring pulse flows. Article 37 requires you to allocate calculated volumes of water for release as spring pulse flows. The volumes are based on the water year classification.

The CDFG reported the 2007 Water Year was classified as an intermediate critical dry year, which would require about 32,619 acre-feet of water for the spring pulse flow release. The CDFG reported you used about 20,091 acre-feet for the spring pulse flows and allocated an additional 11,565 acre-feet for summer flow releases.

The CDFG stated it has not supported the reallocation of spring pulse flows (intended for chinook salmon) for summer releases which it reported would benefit rainbow trout in the Tuolumne River downstream of the project. It also

stated if any additional water was available after the spring pulse flow period, that it not be used for summer flows but held for chinook salmon flows in the fall. The CDFG proposes that other avenues be explored to acquire additional water for Tuolumne River rainbow trout during the summer.

The CDFG provided us with copies of letters you sent during January, April, and May 2007, to document your initial determination of the water year classification, and the subsequent adjustments of the classification based on run-off forecasts. The CDFG requests mitigation for your reallocation of spring pulse flow water for summer releases.

We note you were sent a copy of the CDFG allegation letter. We require your response to this letter to assess your compliance with Article 37. Within 30 days of the date of this letter, send an original and seven copies of your response to:

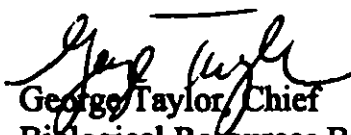
Office of the Secretary  
Federal Energy Regulatory Commission  
888 First Street, Northeast  
Washington, D. C. 20426

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

cc:

**State of California  
Department of Fish and Game  
Region 4  
1234 East Shaw Avenue  
Fresno, CA 93710**

**Field Supervisor  
Ecological Services  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825**