

*DOCKETS*

**FEDERAL ENERGY REGULATORY COMMISSION  
Office of Energy Projects  
Division of Hydropower Administration and Compliance  
901 Market Street, Suite 350  
San Francisco, CA 94103**

July 2, 2007

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

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:

You filed on June 25, 2007, a response to our letter dated May 30, 2007. We requested clarification of your April 18, 2007, letter to the California Department of Fish and Game (CDFG) and the U. S. Fish and Wildlife Service (USFWS), a copy of which was also sent to the Commission.

You provided an explanation of the April 18 letter and included considerable supporting information. You stated that the letter was the standard notification of the outcome of the initial flow scheduling process under Article 37 for determining flow allocation through May 31, 2007. You also explained that the flow schedule was developed in the manner prescribed by Article 37.

You are not required to file a flow schedule with the Commission unless you, the CDFG, and the USFWS agree to one that differs from the requirements of Article 37. Paragraph E of the Order Amending License issued July 31, 1996, requires you to notify

the Commission within 30 days of an agreement with the agencies for a revised flow schedule. Your April 18, 2007, letter to the resource agencies described a modified flow schedule, and appears to be the filing required by Paragraph E.

Future filings in compliance with this requirement should include a cover letter describing the nature of the filing, citation of the ordering paragraph that required it, and a copy of a letter, telephone record, or e-mail from each of the two resource agencies showing they agree with the revised flow schedule. Additionally, because you and the Modesto Irrigation District are co-licensees for this project, it would aid our efforts if the cover letter was prepared with the joint letterhead shown on other fisheries-related filings.

If you or your staff have any additional information or questions about this matter, telephone me at (415) 369-3335 or e-mail me at [philip.scordelis@ferc.gov](mailto:philip.scordelis@ferc.gov).

Sincerely,

PHILIP A. SCORDELIS

Philip Scordelis  
Fishery Biologist  
Division of Hydropower Administration  
And Compliance