

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: May 7, 2026

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Alice E. Towey, Director of Water and Natural Resources *AET*

SUBJECT: Summary of the 2014 Protest Dismissal Agreement – Follow up

During the San Joaquin County Groundwater Banking update at the April 14, 2026 Planning Committee meeting, the Committee requested additional information on the 2014 Protest Dismissal Agreement (PDA). The purpose of the PDA was to resolve five protests filed with the State Water Resources Control Board (SWRCB) against the District's petition for extension of time and other change petitions for its Camanche water right permit. The protests were filed by the following organizations:

- Central Delta Water Agency (CDWA)
- North San Joaquin Water Conservation District (NSJWCD)
- San Joaquin County et. al. (SJC)¹
- South Delta Water Agency (SDWA)
- Stockton East Water District (SEWD)

The PDA also set the framework for key parties on the Mokelumne River to improve the health and sustainability of the Eastern San Joaquin Groundwater Subbasin (Subbasin), while also developing a groundwater banking project that would provide drought supply for the District. This framework is actively guiding the key parties to develop mutually beneficial solutions for using Mokelumne River water to support Subbasin recovery and to enhance the District's long-term drought resilience.

The attached table summarizes the terms agreed to by each signatory to the PDA, along with the status of each.

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Attachment: Summary of PDA Terms

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¹ San Joaquin County includes the County of San Joaquin, San Joaquin County Flood Control and Water Conservation District, and the Mokelumne River Water and Power Authority.

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Summary of Protest Dismissal Agreement Terms

Party	Term	Status	Long-Term Groundwater Banking Project Nexus?
EBMUD	Provide up to \$4 M to San Joaquin County (SJC) to fund a groundwater banking demonstration project ¹	Completed as DREAM Pilot	Yes
	File necessary water right change petitions for groundwater banking with the State Water Resources Control Board (SWRCB) and prepare necessary California Environmental Quality Act (CEQA) documentation for the petitions	In progress	Yes
	Apply for a groundwater export permit from SJC	In progress	Yes
	Release up to 8,000 acre-feet of water to North San Joaquin Water Conservation District (NSJWCD) or Stockton East Water District (SEWD) subject to certain conditions protective of the environment and operational needs on the Mokelumne River	In progress, tested with NSJWCD during DREAM pilot	Yes
	Convey water using unused Mokelumne Aqueduct capacity for SEWD, subject to separate agreements that include compensation to EBMUD	In progress	Yes
	Utilize existing facilities and develop new facilities, if necessary, for groundwater extraction, subject to SJC groundwater export permit	In progress	Yes
	Withdraw protest on NSJWCD's water right time extension petition and change petitions, and allow NSJWCD to sell up to 1,000 acre-feet of its water to the City of Lodi over winter months	Completed	No
	Withdraw protest on SJC's Mokelumne water right application, and provide SJC an opportunity to temporarily store its water in Camanche Reservoir, subject to conditions determined by EBMUD and with SWRCB approval	In progress	No

¹ EBMUD funding for the Demonstration, Recharge, Extraction and Aquifer Management (DREAM) pilot was allocated to NSJCWD and SJC in the subsequent 2017 DREAM funding agreement.

Party	Term	Status	Long-Term Groundwater Banking Project Nexus?
	Convey SJC's water using unused capacity in the Mokelumne Aqueducts for SJC, subject to separate agreements that include compensation to EBMUD	In progress	No
NSJWCD	Support EBMUD's change petitions for groundwater banking and CEQA documentation for those petitions	In progress	Yes
	Establish groundwater credits for EBMUD and support the issuance of an export permit to EBMUD	In progress, tested during DREAM	Yes
	Utilize existing facilities and develop new facilities, as needed, for groundwater banking and extraction	In progress	Yes
	Allow EBMUD to utilize unused capacity in NSJWCD facilities to extract and convey banked water, subject to separate agreements that include compensation	In progress	Yes
	Develop coordinated operations between NSJWCD, Woodbridge Irrigation District (WID) and EBMUD regarding the use of NSJWCD's water for City of Lodi	In progress	No
	Execute the Coordination Agreement with EBMUD and WID for Operation of the Tracy Lake Groundwater Recharge Project	Completed	No
SJC	Issue groundwater export permit to EBMUD by 12/31/2030	In progress	Yes
	Develop an operating agreement with EBMUD to divert, temporarily store and convey water under County's future water right permit through EBMUD facilities	In progress	No
	Provide compensation to EBMUD for use of the facilities	In progress	No
	Construct diversion facilities to receive water from the Mokelumne Aqueducts pursuant to an agreement to be entered with EBMUD	In progress	No
	Address EBMUD's comments on the County's CEQA document for their Mokelumne River water right application.	In progress	No

Party	Term	Status	Long-Term Groundwater Banking Project Nexus?
SEWD	Support EBMUD's change petitions for groundwater banking and CEQA documentation for those petitions	In progress	Yes
	Establish groundwater credits for EBMUD and support the issuance of an export permit to EBMUD	In progress	Yes
	Develop new diversion facilities, as needed, for groundwater banking and extraction	In progress	Yes
	Allow EBMUD to utilize unused capacity in SEWD facilities to extract and convey banked water, subject to separate agreements that include compensation	In progress	Yes
NSJWCD, SEWD, SJC, Central Delta Water Agency, South Delta Water Agency	Withdraw protest against EBMUD's Camanche time extension petition and other change petitions, and not challenge the CEQA documentation for those petitions	Complete	No
	Will not file protests on EBMUD's change petitions filed in 2012 for its Pardee municipal and hydropower water rights, or challenge the CEQA documentation for those petitions	In progress	No

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