

State Water Resources Control Board

January 19, 2017

Mr. Ronald Milligan
Operations Manager
U. S. Bureau of Reclamation
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Dear Mr. Milligan:

PROPOSAL FOR MEETING SAN JOAQUIN RIVER FLOW OBJECTIVES IN FUTURE YEARS

This letter is in response to your letter dated November 22, 2016, identifying how the U. S. Bureau of Reclamation (Reclamation) plans to address its continuing difficulties with meeting its responsibilities under State Water Resources Control Board (State Water Board or Board) Decision 1641 (D-1641) for implementing the San Joaquin river flow objectives included in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. To address ongoing compliance issues with the San Joaquin River flow objectives, Condition 4 of my April 19, 2016 approval of a Temporary Urgency Change Petition to modify Reclamation's requirement to meet the San Joaquin River flow objectives in 2016¹ required Reclamation to submit a proposal for addressing compliance this year and in future years until such time as the State Water Board completes its update and implementation of the objectives. In your letter, you indicate that until the update of the San Joaquin River flow objectives is completed and implemented Reclamation anticipates that flow releases from the Stanislaus River will be consistent with the National Marine Fisheries Service Biological Opinion flow requirements. You also indicate that Reclamation will work with water districts to facilitate additional voluntary water releases that may increase flows as well as improve water supplies in other areas of the State, but that such arrangements are difficult to evaluate in advance and will be made on a case by case basis in consultation with State and federal fisheries agencies.

Thank you for your response and willingness to work cooperatively with other water users and the fisheries agencies; however, Reclamation's proposal does not adequately address the requirements of condition 4 or Reclamation's water right requirements under D-1641. In particular, Reclamation should not assume that it is absolved of responsibility to meet the flow objectives (and dissolved oxygen objective). Instead, Reclamation should strive to meet all of

¹ Available at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/2016/sjr_tucp_order_041916.pdf.


the requirements of its water right permits. To the extent that Reclamation is diverting or storing water under Reclamation's own water rights and there are inadequate supplies available to meet the flow objectives as well as other permit conditions and maintain a reasonable amount of carryover storage, Reclamation should operate New Melones Reservoir in a manner that achieves a more reasonable balance between competing water right permit requirements. Further, Reclamation should meet all of its permit requirements before delivering any water under its own water rights.

Based on the above, Reclamation shall submit a revised proposal for the coming year by February 15, 2017, with monthly updates due by the first of each month for the following month. Prior to each monthly submittal, Reclamation shall consult with State Water Board staff regarding its proposal. Reclamation shall provide monthly updates on its plans to the State Water Board during its monthly drought updates at the Board's regularly scheduled Board meetings.

Condition 3 of the April 29, 2016 TUCP Order required Reclamation to provide any additional information concerning water right accounting for New Melones Reservoir that may be requested by the Executive Director. Consistent with this condition, Reclamation shall prepare and submit a simple and clearly labeled monthly accounting on the first of each month starting on February 1, 2017, of diversions to New Melones Reservoir and releases from the reservoir from October 1, 2016 on. Specifically, the accounting should specify the amount of water in New Melones Reservoir that is stored under Reclamation's water rights and the amount that is stored under other water rights, all releases and losses from New Melones, the reason or purpose for those releases, and the water right under which they were made. Reclamation staff shall consult with State Water Board staff on the format and content of this accounting and shall provide any additional information that may be determined to be necessary by State Water Board staff to assess compliance with water right requirements.

I look forward to continuing to coordinate with you further on this matter in the coming months. If you have any questions regarding this matter, please contact Diane Riddle at Diane.Riddle@waterboards.ca.gov or (916) 341-5297.

Sincerely,



Thomas Howard
Executive Director

Mr. Ronald Milligan

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January 19, 2017

bcc: Diane Riddle
Les Grober
Chris Carr
Dana Heinrich

