

Excerpt from Memorandum of Understanding between
Bureau of Reclamation and
Central Valley Regional Water Quality Control Board
July 1969

“The Bureau shall, in addition to fishery requirements, release from New Melones Dam, for water quality purposes in the downstream reaches of the Stanislaus River and in the San Joaquin River below the confluence of the two rivers, flows necessary to maintain the objectives listed below [500 ppm TDS], **but not to exceed 70,000 acre feet in any one year.**” (emphasis added)

EXHIBIT “D”

1 UNITED STATES
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF RECLAMATION
4 NEW MELONES UNIT
5 CENTRAL VALLEY PROJECT, CALIFORNIA

6 MEMORANDUM OF AGREEMENT FOR THE PROTECTION AND ENHANCEMENT
7 OF THE WATER QUALITY OF THE STANISLAUS AND SAN JOAQUIN RIVERS
8 AS AFFECTED BY THE NEW MELONES PROJECT
9 UNDER WATER RIGHT APPLICATION 19304
10 OF THE UNITED STATES OF AMERICA
11 AND BY MUNICIPAL AND INDUSTRIAL WASTES

12 WHEREAS, THE UNITED STATES INTENDS TO CONSTRUCT A DAM AND RESERVOIR IN
13 AND ACROSS THE STANISLAUS RIVER AT A POINT UPSTREAM FROM OAKDALE, STANISLAUS
14 COUNTY, CALIFORNIA, AND WILL UTILIZE SAID DAM AND RESERVOIR AND THEIR RELATED
15 WORKS FOR THE DIVERSION AND STORAGE OF WATER OF THE STANISLAUS RIVER PRIMARILY
16 FOR FLOOD CONTROL, DOMESTIC, IRRIGATION, RECREATION, MUNICIPAL AND INDUSTRIAL,
17 FISH CULTURE, AND WATER QUALITY CONTROL PURPOSES AND FOR THE GENERATION OF
18 HYDROELECTRIC ENERGY; SAID DAM TO BE KNOWN AS NEW MELONES DAM AND THE RESERVOIR
19 CREATED THEREBY TO BE KNOWN AS NEW MELONES RESERVOIR; AND

20 WHEREAS, THE UNITED STATES HAS FILED AN APPLICATION AND IS SEEKING TO
21 OBTAIN A PERMIT AND LICENSE TO APPROPRIATE AND APPLY TO BENEFICIAL USE WATERS
22 OF THE STANISLAUS RIVER AND ITS TRIBUTARIES IN CONNECTION WITH THE OPERATION
23 OF THE NEW MELONES DAM AND RESERVOIR, SUCH APPLICATION BEING DESIGNATED IN THE
24 FILES OF THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD AS NUMBER 19304;
25 AND

26 WHEREAS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD WITH RE-
27 SPECT TO ITS REGION HAS THE DUTY TO OBTAIN COORDINATED ACTION IN WATER QUALITY
28 CONTROL AND IN THE ABATEMENT, PREVENTION AND CONTROL OF WATER POLLUTION AND
29 NUISANCE; AND

30 WHEREAS, THE BENEFICIAL USES OF THE STANISLAUS AND SAN JOAQUIN RIVERS
31 ARE DEPENDENT UPON WATER QUALITY CONDITIONS, AND THE PARTIES RECOGNIZE THAT
WATER QUALITY CONDITIONS MAY BE PROTECTED AND ENHANCED BY FACILITIES CON-
STRUCTED AND OPERATED UNDER A PERMIT AND LICENSE ISSUED ON APPLICATION 19304;
AND

1 WHEREAS, AUTHORITY TO INVESTIGATE THE NEED FOR WATER QUALITY CONTROL IS
2 CONTAINED IN THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961 (PUBLIC
3 LAW 87-88, APPROVED JULY 20, 1961) WHICH PROVIDES IN PART

4 "...IN THE SURVEY OR PLANNING OF ANY RESERVOIRS OF THE CORPS
5 OF ENGINEERS, BUREAU OF RECLAMATION, OR OTHER FEDERAL AGENCY,
6 CONSIDERATION SHALL BE GIVEN TO INCLUSION OF STORAGE FOR
7 REGULATION OF STREAMFLOW FOR THE PURPOSE OF WATER QUALITY
8 CONTROL..."

9 AND, IN ADDITION, THE 1962 FLOOD CONTROL ACT AUTHORIZING THE NEW MELONES
10 PROJECT (PUBLIC LAW 87-874) PROVIDES

11 "...THAT THE SECRETARY OF THE ARMY GIVE CONSIDERATION DURING
12 THE PRECONSTRUCTION PLANNING FOR THE NEW MELONES PROJECT TO
13 THE ADVISABILITY OF INCLUDING STORAGE FOR THE REGULATION OF
14 STREAMFLOW FOR THE PURPOSE OF DOWNSTREAM WATER QUALITY CON-
15 TROL...;"

16 AND

17 WHEREAS, COOPERATIVE STUDIES BY THE PUBLIC HEALTH SERVICE, BUREAU OF
18 RECLAMATION, AND CORPS OF ENGINEERS OF WATER QUALITY REQUIREMENTS IN STANISLAUS
19 RIVER AND LOWER SAN JOAQUIN RIVER FOR IRRIGATION, FISH, AND OTHER PURPOSES WERE
20 MADE DEMONSTRATING THE FEASIBILITY OF ADDING WATER QUALITY CONTROL AS A FUNCTION
21 OF THE NEW MELONES PROJECT; AND

22 WHEREAS, THE CONSTRUCTION OF THE NEW MELONES DAM BY THE UNITED STATES
23 AND OPERATION, AS PROVIDED IN THIS AGREEMENT, WILL ASSIST IN PROVIDING PRO-
24 TECTION AND ENHANCEMENT OF THE QUALITY OF THE WATERS OF THE STANISLAUS AND
25 SAN JOAQUIN RIVERS AND IT IS MUTUALLY BENEFICIAL AND DESIRABLE THAT THE PARTIES
26 FORMALIZE THEIR UNDERSTANDING BY THIS MEMORANDUM OF OPERATING AGREEMENT:

27 NOW, THEREFORE, THE UNITED STATES ACTING BY AND THROUGH THE BUREAU OF
28 RECLAMATION, HEREINAFTER CALLED THE BUREAU, ITS SUCCESSORS AND ASSIGNS, AND
29 THE STATE OF CALIFORNIA, ACTING BY AND THROUGH ITS CENTRAL VALLEY REGIONAL
30 WATER QUALITY CONTROL BOARD, HEREINAFTER CALLED THE REGIONAL BOARD, ITS SUCCE-
31 SORS AND ASSIGNS, AND IN CONSIDERATION OF THE PREMISES CONTAINED AGREE AS
32 FOLLOWS:

1. THE BUREAU SHALL, IN ADDITION TO FISHERY REQUIREMENTS, RELEASE FROM
NEW MELONES DAM, FOR WATER QUALITY CONTROL PURPOSES IN THE DOWNSTREAM
REACHES OF THE STANISLAUS RIVER AND IN THE SAN JOAQUIN RIVER BELOW THE

1 CONFLUENCE OF THE TWO RIVERS, FLOWS NECESSARY TO MAINTAIN THE OB-
2 JECTIVES LISTED BELOW, BUT NOT IN EXCESS OF 70,000 ACRE-FEET IN ANY
3 ONE YEAR. RELEASES OF WATER FOR QUALITY CONTROL PURPOSES SHALL BE
4 SCHEDULED TO MAINTAIN THE OXYGEN LEVEL AT OR ABOVE 5 MILLIGRAMS PER
5 LITER (MG/L) IN THE STANISLAUS RIVER AND THE LEVEL OF TOTAL DISSOLVED
6 SOLIDS NOT TO EXCEED A MEAN MONTHLY CONCENTRATION OF 500 MG/L IN THE
7 SAN JOAQUIN RIVER IMMEDIATELY BELOW THE MOUTH OF THE STANISLAUS RIVER.
8 PROVIDED: THAT IF HYDROLOGIC OR OTHER CONDITIONS PREVENT MAINTENANCE
9 OF A 500 MG/L TDS LEVEL ON A MEAN MONTHLY BASIS DURING THE ENTIRE
10 YEAR IN THE SAN JOAQUIN RIVER IMMEDIATELY BELOW THE MOUTH OF THE
11 STANISLAUS RIVER, OPERATIONAL RELEASES OF THE WATER QUALITY RESER-
12 VATION WILL BE RESTRICTED TO THE IRRIGATION SEASON IN ACCORDANCE
13 WITH IRRIGATIONISTS' NEEDS.

- 14 2. THE BUREAU SHALL MAKE ALL REASONABLE EFFORTS TO PERFECT AND PROTECT
15 WATER RIGHTS NECESSARY FOR THE WATER QUALITY RESERVATION AND FOR
16 WATER QUALITY OPERATIONAL PURPOSES.
- 17 3. THE REGIONAL BOARD SHALL MAKE ALL REASONABLE EFFORTS TO SUPPORT THE
18 BUREAU TO OBTAIN AND PROTECT WATER RIGHTS FOR THE WATER QUALITY RESER-
19 VATION OF THIS PROJECT AND TO PROTECT THE WATER RELEASED FOR WATER
20 QUALITY CONTROL PURPOSES.
- 21 4. SHOULD THE BUREAU ASSIGN, CONVEY OR OTHERWISE DISPOSE OF ANY INTEREST
22 IN THIS PROJECT OR RIGHTS PURSUANT TO APPLICATION 19304, SUCH DIS-
23 POSITION SHALL EXPRESSLY BE MADE SUBJECT TO THE PROVISIONS OF THIS
24 AGREEMENT.
- 25 5. THE BUREAU AND THE REGIONAL BOARD HEREBY AGREE THAT THE PROVISIONS
26 OF THIS AGREEMENT SHOULD BE INCLUDED BY WAY OF REFERENCE OR OTHERWISE
27 IN ANY PERMIT OR LICENSE BY THE STATE WATER RESOURCES CONTROL BOARD
28 OF CALIFORNIA PURSUANT TO WATER RIGHT APPLICATION 19304.

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DATED: THIS 2 DAY OF July, 1969.

UNITED STATES BUREAU OF RECLAMATION

By *R. B. [Signature]*
REGIONAL DIRECTOR, REGION 2

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

By *John Van Allen*
CHAIRMAN, CENTRAL VALLEY REGIONAL BOARD