



United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

CVO-100
WTR 4.10

APR 29 2014

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Howard,

Subject: Response to the San Joaquin River Tributaries Authority (SJTA) Protest, Filed April 21, 2014

The purpose of this letter is to respond to the SJTA protest, filed April 21, 2014, to the Board's April 11, 2014 Order approving the U.S. Bureau of Reclamation (Reclamation) request for modifications to the 2014 San Joaquin instream flow requirements at Vernalis. At the outset, it should be known that Reclamation has been working collaboratively with Oakdale and South San Joaquin Irrigation Districts (OID/SSJID), two member districts of the SJTA, for a number of years on a Revised Plan of Operations (RPO). However, this has been a difficult process given that, over the long-term, there are more demands for Stanislaus River water than supplies. The New Melones operations asserted by SJTA in its protest would result in great risk to the short and long-term viability of New Melones Project water supplies, especially if the drought continues, and appear to be inconsistent with the more thoughtful analyses put forth by OID/SSJID in the RPO process.

Specifically, Reclamation refutes the SJTA allegations that there is sufficient water in New Melones to meet the 2014 Vernalis Objectives, and other water quality objectives for the next four years, even if it receives no inflow during that time, and that the requested modifications will yield only 42,000 acre feet (af) of water.

The SJTA's analysis focuses on the current New Melones Index (currently 1.29 million af, and compares it to the requested modifications (which it claims yields only 42,000 af). The inference is that 42,000 af is not meaningful to New Melones at about 1 million af storage and a forecasted March through September Inflow of about 290 thousand acre-feet. The SJTA goes on to state that there is sufficient water in New Melones to meet instream flows and water quality objectives for four years, even assuming no inflow, or gain in storage during that time. Under the 1988 New Melones Stipulation Agreement between Reclamation and OID/SSJID, OID/SSJID would receive 1/3 of the difference between the inflow and 600,000 af.

If there is no inflow in four years, then OID/SSJID would receive 200,000 af per year, for four years, or 800,000 af. That would leave approximately only 500,000 af for project purposes for four years, including power generation (minimum power pool = 300,000 af), so approximately 200,000 af for water needed to satisfy future instream flow and salinity dilution requirements, for four years.

The focus on storage capacity is an oversimplification of New Melones water supply that is often used to create the perception of ample supplies at New Melones, when, in fact, while New Melones has a large capacity, it has a relatively small amount of reliable Project Water available on an annual basis. This is due to the hydrology of the Stanislaus River Basin which is variable and prone to multi-year droughts. Essentially, the available inflow to New Melones, especially after satisfaction of senior water rights, can be very small. Reclamation's studies from the 1980's show that it can take as long as 17 years to fill New Melones to full capacity from the minimum power pool level (300,000 af). Therefore, notwithstanding the other flaws in SJTA's analysis, a planning horizon of four years would be woefully inadequate for sustainable New Melones operations.

Reclamation has provided the Board an analysis of water availability at New Melones in its March 29, 2013 Comments to the Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality. The information in that submittal further refutes the allegations made by SJTA in its protest. For example, actual gains in carryover storage at New Melones occurs only 39% of the time. This means that given the demands of the senior water right holders, state and federal environmental requirements and CVP contracts, 61% of the time New Melones loses storage from one water year to another. Therefore, even with inflow, New Melones struggles to maintain reliable supplies over the long-term.

The SJTA also claims that the modification of Vernalis flows yields merely 42,000 af. Our calculations are that, without any modification, the objectives between April and June could require up to 140,000 af depending on Delta conditions and inflows from tributaries and the main stem of the San Joaquin River above Vernalis. Reclamation can most assuredly use this volume of water to shape a meaningful spring pulse flow, in consultation with fish agencies as currently proposed or, use that water for fall pulse flows, subsequent year instream flows, salinity releases, and improved temperature conditions.

The SJTA acknowledges that the inability of New Melones to meet D-1641's Table 3 Vernalis flow requirements, by itself, is well documented. Reclamation agrees. Reclamation's view on this point was set forth in its letter to Craig Wilson, Delta Water Master, dated August 8, 2012.

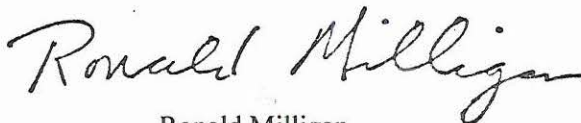
Following the expiration of the full term, and two extensions, of the San Joaquin River Agreement, the Board has not yet implemented a reasonable plan for D-1641's Table 3 flows at Vernalis, especially in sequential dry years. The notion that the full burden falls on New Melones Project Supplies does not constitute a viable implementation plan for the Vernalis flow objectives in D-1641 as documented in the Board's own 1999 Final Environmental Impact Report for Implementation of the 1995 Water Quality Control Plan. In addition, implementation

of the objectives in a way that depends primarily upon contributions from others by purchase is problematic for two reasons:

- Reclamation questions whether an implementation plan that relies upon purchases ultimately makes sense under a substantive due process analysis
- And there is no, or very minimal, water available for purchase in sequential critical dry years

If you have any questions or would like to discuss further, please contact Mr. Paul Fujitani at 916-979-2197.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Milligan". The signature is written in black ink and is positioned above the printed name and title.

Ronald Milligan
Manager, Operations