

May 23, 2015

Via Electronic and U.S. Mail



Laura King Moon, Chief Deputy Director  
California Department of Water Resources  
P.O. Box 942836, Room 1115-2  
Sacramento, CA 94236-0001  
Email: [Laura.k.moon@water.ca.gov](mailto:Laura.k.moon@water.ca.gov)

Re: Byron-Bethany Irrigation District

RUSSELL KAGEHIRO  
President  
Division V

TIM MAGGIORE  
Vice President  
Division III

LARRY ENOS, JR.  
Director  
Division I

MARK MAGGIORE  
Director  
Division II

FELIX MUSCO  
Director  
Division IV

CHARLES TUSO  
Director  
Division VI

JEFF BROWN  
Director  
Division VII

RICK GILMORE  
General Manager  
Secretary

Dear Ms. King Moon:

The purpose of this letter is to get the concurrence of the Department of Water Resources (Department) on a proposed exchange of water with the Byron-Bethany Irrigation District (BBID or District) under BBID's pre-1914 appropriative water rights. BBID and the Department are parties to a May 28, 2003 Agreement (Agreement). That Agreement recognizes the prior and ongoing exchange of water supplies for certain year-round uses within BBID's service area, and the possibility of the use of water diverted under BBID's pre-1914 appropriative water rights on lands outside the area of historic use.

California is in the midst of an historic drought and BBID will likely see its pre-1914 appropriative water rights curtailed in the near future. As such, it is BBID's current intent to maximize the use of its pre-1914 appropriative water rights on lands within the District in order to apply as much water to the soil profile as possible while BBID still has the right to divert. As such, we expect to divert quantities of water similar to diversions seen in 2014, which represents our recent of use water in a dry period and best reflects what the District sees at current maximum beneficial use of water, while implementing additional conservation measures throughout the District.

BBID's growers have requested the option to conserve water now and have the saved water available later in the month of June, after curtailments are implemented, in order to allow limited irrigation to continue to forestall the loss of annual crops currently growing and being irrigated. It is the District's desire to accommodate that request. However, with the impending curtailments of our Pre-1914 water rights expected by mid-June, the District cannot accommodate that request alone. As such, the District proposes to maintain levels of diversion consistent with those seen in 2014 and direct growers to conserve water through fallowing, irrigation rotation, and implementation of other water conservation methods. BBID would convey that conserved water savings through BBID's existing facilities

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and discharge it to the Delta-Mendota Canal, where it would be transported under BBID's existing Warren Act Contract to O'Neil Forebay. The water would then be transferred by USBR to the Department for its use for the State Water Project. BBID will cover all costs associated with the transport of conserved water to O'Neil Forebay. In exchange, BBID proposes that the Department make a like quantity of water available to BBID, as an exchange, after BBID's pre-1914 water rights are curtailed so that growers within the District can complete the irrigation and harvest of annual crops already planted. Once these fields are harvested in late June or early July, they will remain idle for the balance of the irrigation season.

BBID's diversion is in a unique location. When the Clifton Court Forebay Complex was constructed, BBID's diversion facility was relocated behind the Skinner Fish Facility, located on the intake canal leading to the Banks Pumping Plant. This makes a partnership for such an exchange of water very beneficial. BBID benefits by having its conserved water available for a limited period after curtailments have been issued, and DWR benefits by lower water delivery costs to O'Neil Forebay. As the Department is aware, BBID's diversions are reported daily to the Department. BBID has a meter at its discharge to the Delta-Mendota Canal and will provide the Department with daily reports on the discharge of conserved water so that the Department has accurate and up to date records on the amount of water subject to the proposed exchange. We believe such an exchange is contemplated by and consistent with our Agreement and are seeking the concurrence of the Department.

Please let me know if the Department would agree to proceed with this proposed exchange under our existing Agreement. BBID would appreciate a prompt response in order to provide our growers with sufficient time to maximize the opportunity to conserve water for use following the anticipated curtailment of the District's pre-1914 water rights. We expect to follow up with you in June regarding a proposal to extend this exchange through the 2015 irrigation season, but wanted to get this initial proposal to you to address the immediate need for an exchange in the face of imminent curtailments. BBID very much appreciates the Department's time and efforts and looks forward to maintaining our good working relationship under our Agreement.

Very Truly Yours,

BYRON BETHANY IRRIGATION DISTRICT



Rick Gilmore  
General Manager

cc: Daniel Kelly, General Counsel