



Barajas, Federico &lt;fbarajas@usbr.gov&gt;

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## OID/SSJID Water Release Proposal

1 message

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**Frances Mizuno** <frances.mizuno@sldmwa.org>

Tue, Mar 20, 2018 at 9:21 AM

To: "jrieker@usbr.gov" &lt;jrieker@usbr.gov&gt;

Cc: "EKITECK@usbr.gov" &lt;EKITECK@usbr.gov&gt;, "fbarajas@usbr.gov" &lt;fbarajas@usbr.gov&gt;, Tim O'Laughlin &lt;towater@olaughlinparis.com&gt;

Jeff/Liz,

Wanted to follow-up on when we can get-together to resolve any issues related to the OID/SSJID Spring Release Proposal and to get a final approval by Reclamation. Thank you.

Frances

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**From:** Frances Mizuno  
**Sent:** Friday, March 16, 2018 8:56 AM  
**To:** [jrieker@usbr.gov](mailto:jrieker@usbr.gov)  
**Cc:** [EKITECK@usbr.gov](mailto:EKITECK@usbr.gov)  
**Subject:** FW: Time to Talk

Jeff,

FYI. In case David has not shared this with you. You mentioned yesterday that there is some salinity compliance issue that you had concerns with in regards to this proposal. Can you share in more detail what that is? Thank you.

Frances

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**From:** Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]  
**Sent:** Thursday, March 15, 2018 4:42 PM  
**To:** 'Murillo, David' <[dmurillo@usbr.gov](mailto:dmurillo@usbr.gov)>  
**Cc:** [rpatterson@mwdh2o.com](mailto:rpatterson@mwdh2o.com)  
**Subject:** Time to Talk

David,

Roger Patterson and I would like to speak with you sometime tomorrow regarding the difficulty we are having in connection with the Oakdale Irrigation District/South San Joaquin Irrigation District flow augmentation/water transfer program proposed for April/May 2018. The agencies involved are proposing to implement a program that is identical to programs implemented in 2009, 2013, 2015 and 2016. In prior years, pursuant to agreements among Oakdale/SSJID, the Department of Water Resources, and the San Luis & Delta-Mendota Water Authority, water that Oakdale/SSJID otherwise would divert for consumptive uses was released from New Melones during April and May to augment flow in the San Joaquin River. The water was released on schedules approved by NMFS to provide benefits out-migrating salmon, and the volume of water in excess of what otherwise **would have been released by Reclamation was pumped, as**

abandoned water, at Jones and Banks on a 1:1 basis, with the approval of NMFS, and made available to Authority members that paid for the release of water and to the State Water Project.

These prior programs served as the model for section 4001(b) of the WIIN Act, which provides:

In carrying out subsection (a), the Secretary of the Interior and Secretary of Commerce shall, consistent with applicable laws (including regulations)—

\* \* \* \*

(7) adopt a 1:1 inflow to export ratio for the increment of increased flow, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, that results from the voluntary sale, transfer, or exchange, unless the Secretary of the Interior and Secretary of Commerce determine in writing that a 1:1 inflow to export ratio for that increment of increased flow will cause additional adverse effects on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available; and subject to the condition that any individual sale, transfer, or exchange using a 1:1 inflow to export ratio adopted under the authority of this section may only proceed if—

(A) the Secretary of the Interior determines that the environmental effects of the proposed sale, transfer, or exchange are consistent with effects permitted under applicable law (including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code 13000 et seq.));

(B) Delta conditions are suitable to allow movement of the acquired, transferred, or exchanged water through the Delta consistent with existing Central Valley Project and State Water Project permitted water rights and the requirements of subsection (a)(1)(H) of the Central Valley Project Improvement Act; and

(C) such voluntary sale, transfer, or exchange of water results in flow that is in addition to flow that otherwise would occur in the absence of the voluntary sale, transfer, or exchange;

For reasons we do not understand, we are encountering difficulty obtaining Reclamation's cooperation to implement this program in 2018. (I am informed by Tim O'Laughlin that the proposal for 2018 has been presented to NMFS, and he is confident that NMFS will approve the program, as it did in prior years.) We would like to resolve any issues as quickly as possible to enable efficient implementation of the program.

Please let me know if you are available for a conference call tomorrow.

Thank you,

Tom