

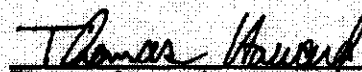
ORDER

IT IS HEREBY ORDERED THAT the petition for reconsideration is denied in part and granted in part. Reconsideration is granted for the purpose of revising Condition 22 and adding Condition 28 as follows:

22. The State Water Board reserves jurisdiction to supervise the short-term change under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses as future conditions may warrant or as appropriate to respond to information provided by the monitoring programs or plans required under this order.

28. By March 1, 2011, Reclamation shall submit to the Deputy Director for Water Rights, to the extent this information is not already provided to the Division under Condition 7, a report describing: (a) current and proposed groundwater elevation thresholds (acceptable, potential buffer, and threat) in Reach 4A; (b) a summary of its evaluation of seepage monitoring data from the WY 2010 Interim Flows Project regarding Reach 4A; (c) any changes to its assessment of channel capacities in Reach 4A; and (d) any measures taken to ensure that flows under the SJRRP do not cause exceedance of a groundwater elevation action threshold in Reach 4A.

Dated: 1/26/2011


Thomas Howard
Executive Director

Brownstein Hyatt
Farber Schreck

August 8, 2011

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**VIA E-MAIL: INTERIMFLOWS@RESTORESJR.NET
AND U.S. MAIL**

Michelle Banonis
Natural Resources Specialist
U. S. Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, California 95825

RE: *San Joaquin River Restoration Program*
Client-Matter No. 015171-0007

Dear Ms. Banonis:

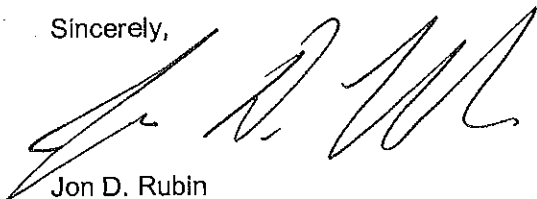
SLDMWA - 15

On behalf of the San Luis & Delta-Mendota Water Authority (Authority), I respectfully request that the U.S. Bureau of Reclamation include in the administrative record for the Draft Supplemental EA and Proposed FONNSI for the San Joaquin River Restoration Program's Water Year 2012 Interim Flows Project: (1) the Draft Program Environmental Impact Statement/Environmental Impact Report for the San Joaquin River Restoration Program, dated April 2011, and (2) the Draft Plan for the Recirculation, Recapture, Reuse, Exchange, or Transfer of Interim and Restoration Flows, dated February 10, 2011.

I provide you with a courtesy copy of the latter document. As you are aware, the former document is available on Reclamation's website at: www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2940.

Thank you for your assistance.

Sincerely,



Jon D. Rubin

Enclosure

cc: Dan Nelson

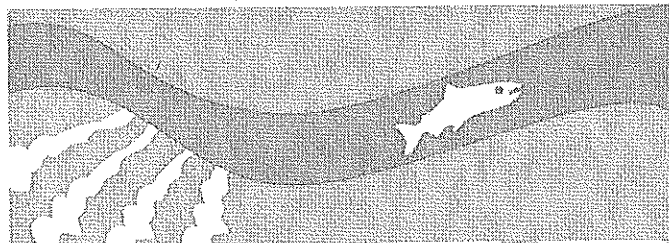
SB 588783 v1:015171.0007

EXHIBIT 1

DRAFT

Plan for the Recirculation, Recapture, Reuse, Exchange, or Transfer of Interim and Restoration Flows

SAN JOAQUIN RIVER
RESTORATION PROGRAM



February 10, 2011

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Figures

Figure 2-1. Relative Locations of Infrastructure and Potential Actions for SJRRP

Recapture 2-4

List of Abbreviations and Acronyms

CVP	Central Valley Project
DWR	California Department of Water Resources
DMC	Delta-Mendota Canal
NWR	National Wildlife Refuge
Reclamation	U.S. Department of the Interior, Bureau of Reclamation
Secretary	Secretary of the U.S. Department of the Interior
Settlement	Stipulation of Settlement in <i>Natural Resource Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH</i>
SJRRP	San Joaquin River Restoration Program
SJRRP Act	Title X, Subtitle A, Public Law 111-11, San Joaquin River Restoration Settlement Act
SJRRP Flows	SJRRP Interim Flows and Restoration Flows
SWP	State Water Project

1.0 Purpose

This Plan implements the recirculation, recapture, reuse, exchange, or transfer of San Joaquin River Restoration Program Interim Flows and Restoration Flows (SJRRP Flows) required pursuant to Section 10004(a)(4) of Public Law 111-11, San Joaquin River Restoration Settlement Act (SJRRP Act), and Paragraph 16(a) of the Stipulation of Settlement dated September 13, 2006, in the litigation entitled *Natural Resource Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH* (Settlement).

It is anticipated that additional information will become available on the recirculation, recapture, reuse, exchange, or transfer of SJRRP Flows and may result in the need for amendment and/or supplement of this Plan. The Secretary's procedures for continued cooperation and consultation with the parties in implementing and updating this Plan are provided in more detail in Section 5 of this Plan.

1.1 Plan Authorization

1.1.1 Section 10004(a)(4) of Public Law 111-11

(a) IN GENERAL. – The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water

Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

1.1.2 Paragraph 16(a) of Settlement

16. In order to achieve the Water Management Goal, immediately upon the Effective Date of this Settlement, the Secretary [of the Interior], in consultation with the Plaintiffs and Friant Parties, shall commence activities pursuant to applicable law and provisions of this Settlement to develop and implement the following:

(a) A plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Division long-term contractors caused by the Interim Flows and Restoration Flows. The plan shall include provisions for funding necessary measures to implement the plan. The plan shall:

(1) ensure that any recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows shall have no adverse impact on the Restoration Goal, downstream water quality or fisheries;

(2) be developed and implemented in accordance with all applicable laws, regulations and standards. The Parties agree that this Paragraph 16 shall not be relied upon in connection with any request or proceeding relating to any increase in Delta pumping rates or capacity beyond current criteria existing as of the Effective Date of this Settlement;

(3) be developed and implemented in a manner that does not adversely impact the Secretary's ability to meet contractual obligations existing as of the Effective Date of this Settlement; and

(4) the plan shall not be inconsistent with agreements between the United States Bureau of Reclamation and the California Department of Water Resources existing on the Effective Date of this Settlement, with regard to operation of the CVP and State Water Project.

1.2 Related Provisions

1.2.1 Section 10004(a)(3) of Public Law 111-11

(a) IN GENERAL. — The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

1.2.2 Section 10004(d) of Public Law 111-11

MITIGATION OF IMPACTS. - Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify —

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

1.2.3 Section 10004(f) of Public Law 111-11

EFFECT ON CONTRACT WATER ALLOCATIONS. — Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

1.2.4 Section 10004(g) of Public Law 111-11

EFFECT ON EXISTING WATER CONTRACTS. — Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

1.2.5 Section 10004(j) of Public Law 111-11

SAN JOAQUIN RIVER EXCHANGE CONTRACT. — Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United

- 1 *States and the Second Amended Exchange Contract between the United*
- 2 *States, Department of the Interior, Bureau of Reclamation and Central*
- 3 *California Irrigation District, San Luis Canal Company, Firebaugh Canal*
- 4 *Water District and Columbia Canal Company.*

2.0 Recapture

This section describes the Secretary's procedures for determining the volume of SJRRP Flows available for recapture: within the Restoration Area; outside of the Restoration Area; and, in the Sacramento-San Joaquin Rivers Delta for the purpose of making recaptured SJRRP Flows available for recirculation in south-of-delta facilities.

The procedures and requirements for releasing and monitoring SJRRP Flows to meet Settlement requirements are described in the *Restoration Flow Guidelines* and the *State Water Resources Control Board Order WR2010-0029-DWR*, as may be amended, supplemented, or replaced.

2.1 Recapture Water

The Secretary shall be responsible for determining the volume of SJRRP Flows made available for recapture (Recapture Water). Recapture Water shall be defined in this Plan as: the additional flows released from Friant Dam for meeting the approved SJRRP Flows Schedules under the Bureau of Reclamation's (Reclamation) water rights and made available for recirculation in south-of-delta facilities.

Releases and flows in the San Joaquin River that are not Recapture Water include, but are not necessarily limited to, the following:

- ***Holding Contract Releases:*** Pursuant to Reclamation's water rights and holding contracts, Reclamation is required to make releases from Friant Dam to maintain five cubic feet per second at Gravelly Ford. The Secretary, to the extent practicable, shall not include the holding contracts releases as Recapture Water available pursuant to this Plan.
- ***Friant Dam Flood Releases:*** Reclamation is required to make releases from Friant Dam to maintain rain and snowmelt flood conservation spaces consistent with the U.S. Army Corps of Engineers Flood Control Diagram. Flood releases from Friant Dam shall not be included by the Secretary, to the extent practicable, as Recapture Water available pursuant to this Plan.
- ***King's River and Other Tributary Flows:*** Flows from Kings River and other tributaries, such as Cottonwood Creek and Little Dry Creek, may provide inflows into the San Joaquin River which exceed the approved SJRRP Flows Schedules. The Secretary, to the extent practicable, shall not include these tributary flows as Recapture Water available pursuant to this Plan.

2.2 Recapture Locations

The Secretary has determined that the following locations have the ability to directly divert, reuse, exchange, or transfer Recapture Water, and that the locations have no adverse impact on the Restoration Goal, downstream water quality, or fisheries. The Secretary shall determine the amount of Recapture Water based on additional water supplies resulting from SJRRP Flows. Additional water supplies shall be determined by the Secretary in comparing the with and without SJRRP Flows conditions.

2.2.1 Restoration Area

The Restoration Area includes the river and bypass channels from Friant Dam to the confluence of the Merced and San Joaquin rivers (*see Figure 2-1*). The Secretary will use the Restoration Area when it is necessary to direct SJRRP Flows: to avoid exceeding non-damaging channel capacity; to allow for construction of restoration actions; to permit maintenance of diversion and flood control facilities; and, under unusual or emergency conditions. Recapture locations in the Restoration Area include, but are not necessarily limited to, the following:

- **Mendota Pool and Sack Dam:** Recapture Water at Mendota Pool and Sack Dam shall be determined by measuring the difference in SJRRP Flows at the San Mateo Avenue and Dos Palos gage, less the conveyance loss provided in Appendix C. Recapture Water available at Mendota Pool and Sack Dam shall be further limited by the following:
 - The volume of SJRRP Flows released from Friant Dam. Accretions will first satisfy the losses between Friant Dam and San Mateo Avenue gage. Any flows measured at San Mateo Avenue gage in excess of the volume of SJRRP Flows released from Friant Dam is not Recapture Water;
 - The volume of water otherwise supplied by the Delta-Mendota Canal to Mendota Pool and Sack Dam, and the availability of capacity in south-of-delta facilities. The SJRRP Operations Agreement, Appendix B, further describes the procedures for exchanging Recapture Water at Mendota Pool and Sack Dam; and
 - None of the flood releases from Friant Dam shall be available as Recapture Water.
- **Recapture at Bear Creek Unit:** Recapture Water at the Bear Creek Unit of the San Luis Wildlife Refuge shall be determined by measuring the SJRRP Flows at the Dos Palos gage, less the conveyance loss provided in Appendix C. Recapture Water available at the Bear Creek Unit shall be further limited by the following:
 - The volume of water otherwise supplied as refuge deliveries from the San Luis Unit of the Central Valley Project (CVP) and the availability of capacity in south-of-delta facilities.

2.2.2 Lower San Joaquin River

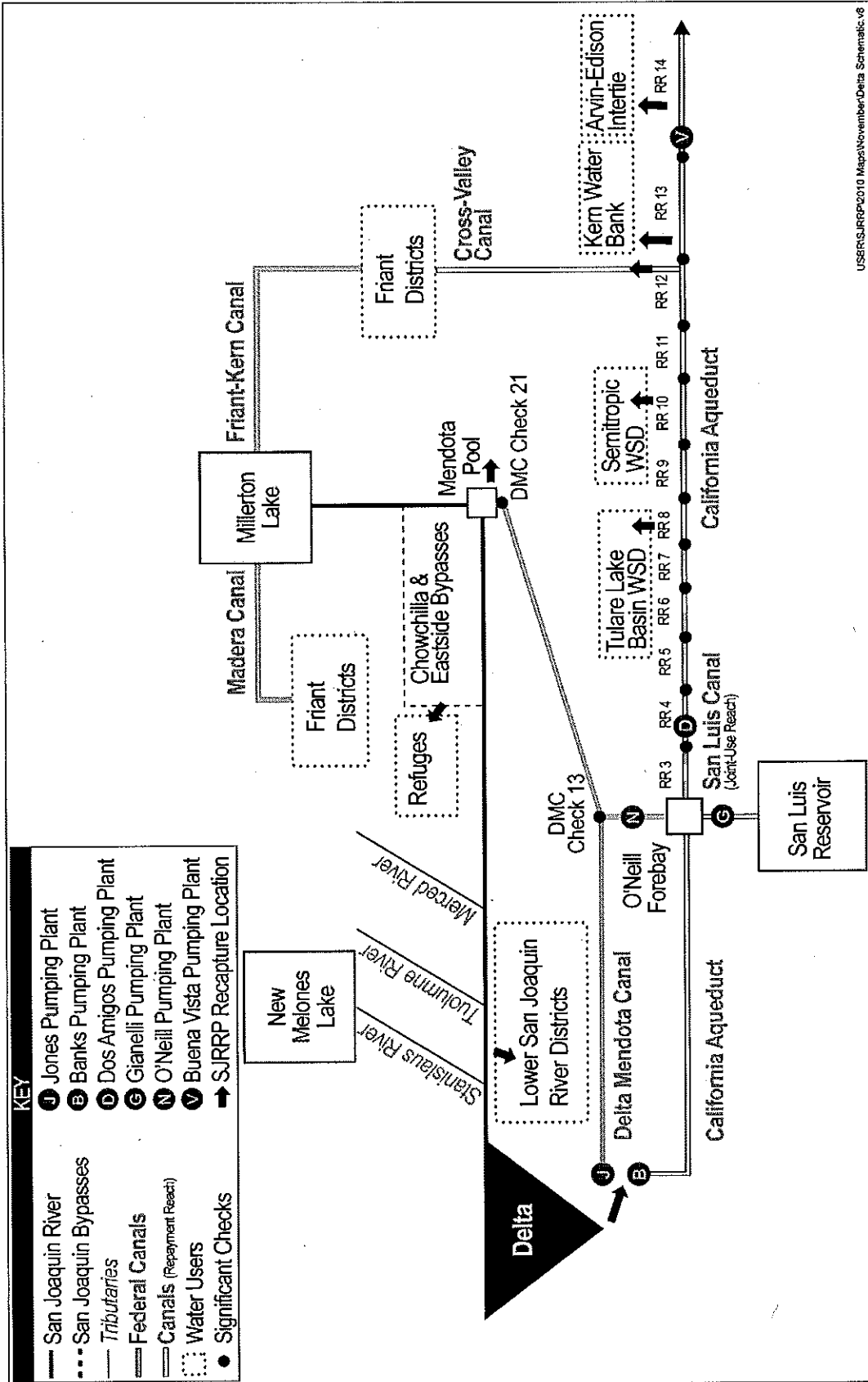
The Lower San Joaquin River includes the area downstream of the confluence with the Merced River to the Sacramento-San Joaquin Rivers Delta. Recapture Water in the Lower San Joaquin River shall be determined by measuring the SJRRP Flows passing the Dos Palos gage, less the conveyance loss provided in Appendix C. In addition, Recapture Water in the Lower San Joaquin River is dependent upon: the inclusion of these locations in Reclamation's water rights permits; entering into agreements with the owners and operators of non-Federal facilities; and, construction of any required facilities. Non-Federal entities with facilities on the Lower San Joaquin River include: Patterson Water District; West Stanislaus Irrigation District; and, Banta Carbona Irrigation District.

2.2.3 Sacramento-San Joaquin Rivers Delta

The locations for recapture in the Sacramento-San Joaquin Rivers Delta (Delta) are the existing Central Valley Project and State Water Project facilities in the Delta (i.e. William "Bill" Jones and Harvey O. Banks Pumping Plants, respectively). The Secretary shall determine the amount of SJRRP Flows reaching the CVP and SWP facilities in cooperation with the State of California. Recapture Water in the Delta shall be determined by: 1) measuring the SJRRP Flows passing the Dos Palos gage, less the conveyance loss provided in Appendix C; and, 2) identifying the increase in pumping by the CVP and SWP facilities from the Delta resulting from SJRRP Flows. The increase in pumping by CVP and SWP facilities shall be subject, but is not necessarily limited to, the following conditions:

- Balance Conditions with the Cooperative Operating Agreement in effect: 100% of SJRRP Flows
- Excess Conditions: 0% of SJRRP Flows
- Restricted Conditions by Export/Import Ratio: 35% or 65% of SJRRP Flows
- Restricted Conditions by Old and Middle River: one-half to two-thirds of SJRRP Flows

In addition, Recapture Water in the Delta will be further limited by compliance with the priority of water established in Section 10004(a)(4) and the Agreement with the State of California for use of its SWP facilities, Appendix E.



3.0 Recirculation

This section describes the Secretary's procedures for recirculation of Recapture Water from south-of-delta facilities to the Friant Division long-term contractors by direct diversion, reuse, exchange, or transfer.

3.1 Recirculation Water

The Secretary shall be responsible for determining the volume of Recapture Water available for recirculation to the Friant Division long-term contractors (Recirculation Water). Recirculation Water is defined in this Plan as:

{TBD – Subject to Policy Meeting Discussions}

3.2 Priority in San Luis Reservoir

Recirculation Water in the Federal share of San Luis Reservoir shall be subject to the priorities established by the Secretary, as provided in Appendix D.

3.3 Agreements

Certain Federal, State of California, and other non-Federal facilities will be required for Recirculation Water and will require various agreements between and among Reclamation, the State of California's Department of Water Resources, Friant Division long-term contractors, and other non-Federal entities. The volume of water, costs, measuring locations, conveyance losses, or any other terms and conditions shall be subject to those separate agreements.

3.4 Notification of Availability

Within thirty days following a month during which the Secretary determines Recirculation Water was made available, the Secretary shall notify the Friant Division long-term contractors, and other affected parties, of the volume of Recirculation Water. The Secretary may make Recirculation Water available up to one month in advance when the Secretary determines:

- San Luis Reservoir or other required south-of-delta facilities are anticipated to not have capacity available;

- The volume of advance Recirculation Water can be reasonably estimated; and,
- The Friant Division long-term contractors have a need and ability to use the advance Recirculation Water.

3.5 Delivery to Friant Division Long-Term Contractors

Annually on December 1, or at such other frequencies or dates determined by the Secretary, the Secretary shall provide the Friant Division long-term contractors, and other affected parties, with proposed options and priorities to directly deliver, reuse, exchange, or transfer Recirculation Water to the Friant Division long-term contractors for the upcoming Contract Water Year(s) (March through February). The Secretary, in consultation with the Friant Division long-term contractors and other affected parties, shall determine and select the final option(s) and priorities by March 1 of the Contract Year.

The Secretary, in consultation with the Friant Division long-term contractors, has identified the following potential options:

- ***Arvin-Edison Exchange:*** Under this option, the California Aqueduct and/or Cross Valley Canal would be used to directly deliver Recirculation Water to Arvin-Edison Irrigation District in exchange for a like amount of its allocated CVP water in Millerton Lake.
- ***Tulare Lake Basin Exchange:*** Under this option, the California Aqueduct would be used to directly deliver Recirculation Water to the Tulare Lake Basin Water Storage District in exchange for a like amount of water from the Kings, Kaweah, or Tule Rivers. The water would then be exchanged for a like amount of water with a Friant Division long-term contractor (e.g. Fresno Irrigation District, City of Fresno for Kings River; Tulare Irrigation District or Kaweah Delta Water Conservation District for Kaweah River; and, Lower Tule River Irrigation District and Porterville Irrigation District for Tule River).
- ***Friant-Kern Canal Reverse Pump Facilities:*** Under this option, the proposed Friant-Kern Canal Reverse Flow Pump-Back Facilities, authorized pursuant to Section 10201(a)(2) of the Act, would be used to directly deliver Recirculation Water to certain Friant Division long-term contractors in exchange for a like amount of its allocated CVP water in Millerton Lake.
- ***South-of-Delta CVP Contractor Exchange:*** A CVP SOD contractor that has an agreement with an east side banking partner that has the capability to exchange water with one or more Friant contractors, can receive the return of the banked water using Recirculation water. To facilitate the return, Recirculation water in SLR or ONF would be delivered to the appropriate SOD contractor in accordance with an exchange agreement entered into with Reclamation or a Friant contractor.

The point of delivery would be the SOD contractor's turnouts off of the DMC or SLC as specified in their respective water service contracts. The receiving CVP SOD contractor would provide PUE at DAPP, if required. The Recirculation water in SLR or ONF delivered to the CVP SOD Contractor by SLDMWA would be exchanged for an equal amount of banked water being delivered by the banking partner to a Friant contractor. The Friant contractor would make an equal amount of Recirculation water available out of Millerton Lake for distribution to the respective Friant contractors whose otherwise available water supply was used to satisfy SJRRP Flows.

- ***Shafter-Wasco ID Exchange:*** To implement an exchange involving Semitropic Water Storage District (Semitropic), DWR would wheel the Recirculation water in SWP facilities from ONF using available capacity in the Aqueduct through one of two mechanisms: a wheeling agreement with Reclamation for use of SWP facilities to convey the Recirculation water to Semitropic or under Article 55 of Semitropic's SWP contract. The point of delivery is the Semitropic turnout(s) off of the Aqueduct. Reclamation would provide PUE at DAPP for water conveyed under a wheeling agreement, but not for water wheeled under Article 55. Power for conveyance under Article 55 would either be SWP power. Semitropic would convey Recirculation water through its distribution facilities to the intertie with Shafter Wasco ID (SWID). SWID would receive it's portion of CVP Friant Division allocated water from this intertie in lieu of taking their CVP Friant Division allocated supply from the FKC. A like amount of water would be made available out of Millerton Lake for distribution to Friant contractors as specified in their respective water service or repayment contracts.
- ***SOD Transfer:*** If any Friant contractor that has entered into or plans to enter into an agreement to transfer their CVP Friant Division allocated water or non-CVP water from the east side of the San Joaquin Valley to a specific South of Delta (SOD) contractor on the west side of the San Joaquin Valley, the Recirculation water can be used to facilitate the transfer. To implement the transfer, Recirculation water in SLR or ONF would be delivered to the SOD contractor by the SLDMWA in accordance with the transfer agreement entered into with the Friant contractor. The Friant transferor district would then release an equal amount of Recirculation water in Millerton for reallocation to other Friant contractors as part of the current contract year Friant CVP supply. The point of delivery to the CVP SOD contractor is from the CVP SOD contractor's turnouts off of the DMC or San Luis Canal (SLC) as specified in their respective water service contracts. Reclamation would provide PUE at Dos Amigos Pumping Plant, if required.
- ***SJRRP Transfer:*** Under this option, Recirculation Water would be acquired by the Secretary from willing sellers and used for purposes identified pursuant to the Settlement and Act, specifically Paragraphs 13(c) and 13(i) of the Settlement.

3.6 Accounting

The Secretary, in coordination with the State of California, shall provide a monthly and annual accounting of the Recapture Water and Recirculation Water to the Settling Parties and other affected parties. The monthly accounting shall be provided within 30 days following a month Recirculation Water was made available. The annual accounting shall be provided by May 31st of the following Contract Year.

4.0 Measurement

The gages available to the Secretary for determining Recapture Water, including those needed to determine any losses and tributary inflows, are provided in Appendix A. The Secretary shall measure flows using best available information. The Secretary may reduce Recapture Water if historical measurements or anticipated conditions indicate additional losses are warranted. In addition, for any period of time when accurate measurements have not been made, the Secretary shall use the best available information to determine the flows.

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2 **5.0 Plan Funding**

3 {placeholder for text to be provided by Reclamation}

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6.0 Cooperation and Consultation

As required pursuant to Section 10004(a) of Public Law 111-11 and Paragraph 16(a), this Plan was developed and is being implemented by the Secretary in cooperation with the State of California and in consultation with the Settling Parties. The implementation of this Plan is contingent upon compliance with applicable Federal and state laws. Specifically, Title X, Part I of Public Law 111-11; Federal Reclamation law; the National Environmental Policy Act; Endangered Species Act; and SWRCB water rights, decisions, and orders.

The Secretary shall cooperate and consult with the parties in implementing this Plan as follows:

- a) Ongoing cooperation, consultation, and communication with parties;
- b) Providing monthly availability of Recirculation Water available;
- c) Providing a monthly and annual accounting of Recapture Water and Recirculation Water;
- d) Updating this Plan as appropriate.

Appendix A

Gages Used to Measure Flows and Stage in the Restoration Area

SJRRP Reach	Gage Name	USGS Gage Station No. or CDEC ID	Period of Record ¹
Reach 1A	San Joaquin River release from Friant Dam	MIL	1974 – 2007
	San Joaquin River below Friant Dam	SJF	1950 – 2007 ²
	Cottonwood Creek near Friant Dam	CTK	1974 – 2007
	Little Dry Creek near Friant Dam	LDC	1974 – 2007
Reach 1B	San Joaquin River at Donny Bridge	DNB	1988 – 2007
	San Joaquin River at Skaggs Bridge	B07810	1974 – 2007
Reach 2A	San Joaquin River at Gravelly Ford	GRF	1974 – 2007
Reach 2B	San Joaquin River below Chowchilla Bypass Bifurcation Structure	SJB	1974 – 1986, 1988 – 1997, 2005 – 2007
Reach 3	San Joaquin River near Mendota	MEN	1950 – 1954, 1974 – 2007 ²
Reach 5	San Joaquin River near Stevinson	SJS	1981 – 2007
	Salt Slough at Highway 165 near Stevinson	SSH	1985 – 2007
	San Joaquin River at Fremont Ford Bridge	FFB	1950 – 1971, 1985 – 1989, 2001 – 2007 ²
	Mud Slough near Gustine	MSG	1985 – 2007
Fresno Slough/ James Bypass	Fresno Slough/James Bypass near San Joaquin	JBP	1974 – 1987, 1995 – 1997
Chowchilla Bypass	Chowchilla Bypass at Head	CBP	1974 – 1986, 1988 – 1997
Eastside Bypass	Eastside Bypass near El Nido	ELN	1980 – 2007
	Bear Creek below Eastside Bypass	BSD	1980 – 2007

Notes:

¹ Calendar years.

² Period of record coincides with start of diversions from Friant Dam (1950).

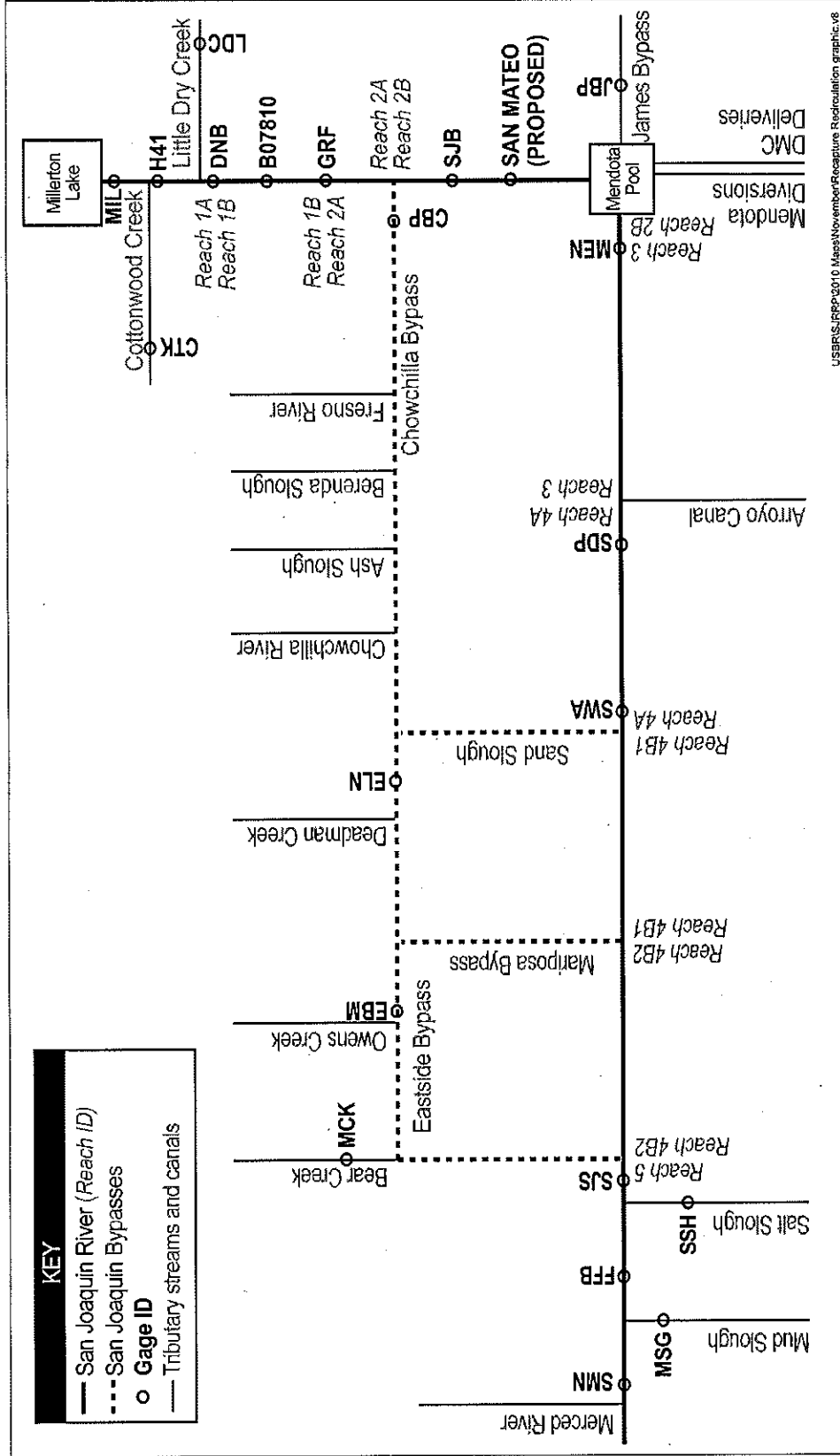
Key:

CDEC = California Data Exchange Center

ID = Irrigation District

SJRRP = San Joaquin River Restoration Program

USGS = U.S. Geological Survey



Appendix B

Mendota Pool Operating Agreement

[placeholder]

Appendix C

Conveyance Losses

The Secretary shall assess a five-percent loss between San Mateo Avenue and Sack Dam.

The Secretary shall assess a 20-percent loss factor to the flows below Sack Dam during pulse flow periods.

The Secretary shall assess a 50-percent loss factor to the flows below Sack Dam during base flow periods.

The Secretary shall update loss factors using measurements at gages when feasible.

Appendix D

San Luis Reservoir Priority (as of Sep. 28, 2010)

Priority	Water Supply
1	CVP Water including Level II Refuge Water
2	Level IV Refuge Water
3	-- Rescheduled Project Water
	a Irrigation Water
	b M&I water and Level II Refuge Water
	c Transferred Project Water
4	Cross Valley Canal Contractor Water
5	Rescheduled Level IV Refuge Water
6	Non-Project Water stored under Warren Act
7	San Joaquin River Restoration Settlement Interim and Restoration Flows

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Appendix E

3

4

DWR Wheeling Agreement

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[placeholder]

1.8 San Luis & Delta-Mendota Water Authority

SLDMWA – 1: See responses to comments SLDMWA – 2 through 15 below.

SLDMWA – 2: Reclamation, San Luis & Delta-Mendota Water Authority (SLDMWA), and Friant Water Authority have been meeting to address concerns expressed in this comment and to develop a recapture and recirculation plan as called for in Paragraph 16(a) of the Settlement and Section 10004(a)(4) of the Act. Reclamation is committed to implementing the SJRRP in a way that meets the requirements of the Settlement while meeting the third party protections provided in the Act.

Section 10004(f) of the Act states the following:

EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

Section 10004(g) of the Act states the following:

EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase or exchange contract.

Additionally, in the State Water Resources Control Board Order (Order) WR 2010-0029-DWR, stated that San Luis and Delta-Mendota Water Authority (Authority) historically received deliveries of Central Valley Project (CVP) water for irrigation purposes along the San Joaquin Valley’s west side. It is further discussed in the Order that *“the Authority did not provide specific information about its claim of right to use water beyond general references to its contracts and senior rights.”*

The plan for long-term recirculation and recapture associated with the SJRRP is outside of the scope of this temporary, one-year action for WY 2012 Interim Flows. However, Reclamation has been coordinating with water users to develop the SJRRP’s Recapture and Recirculation Plan and will continue to coordinate appropriately with these agencies.

SLDMWA – 3: See response to comment SLDMWA – 2.

SLDMWA – 4: See response to comments SLDMWA – 2 and RMC-SJREC -4.

SLDMWA – 5: See response to comment RMC – SJREC – 5.

SLDMWA – 6: See response to comments SLDMWA – 2 and RMC – SJREC – 5.
Reclamation will prepare a separate document to address the recirculation of water that would

potentially be recaptured as part of the WY 2012 Interim Flows Project. It is currently unknown where and how much water that will be recaptured, although potential locations and a range of volumes are identified and covered in the Draft Supplemental WY 2012 Interim Flows EA and this Final Supplemental WY 2012 Interim Flows EA. Because specific plans for recirculation are not known at this time, it is too speculative to evaluate in these documents. The recirculation of WY 2012 Interim Flows would be subject to subsequent environmental review and will be evaluated under Nation Environmental Policy Act and the California Environmental Quality Act, if applicable, prior to the implementation of those actions.

Reclamation, SLDMWA, and Friant Water Authority have been meeting to address concerns expressed in this comment and to develop a recapture and recirculation plan as called for in Paragraph 16(a) of the Settlement and Section 10004(a)(4) of the Act. The parties are working to resolve a few remaining issues and Reclamation is hopeful to complete the plan by early next calendar year.

SLDMWA – 7: See response to comment RMC – SJREC – 25.

SLDMWA – 8: Based on historical data collected at Mendota Pool, the electrical conductivity (EC) elevation that occurred is not specific to the implementation of Interim Flows. EC in the pool varies greatly based on groundwater pump-in to the Delta-Mendota Canal, Delta-Mendota Canal operations, and water demands. This variance is shown in Figure 1 below, with the increase in EC in Mendota Pool called out for clarity.

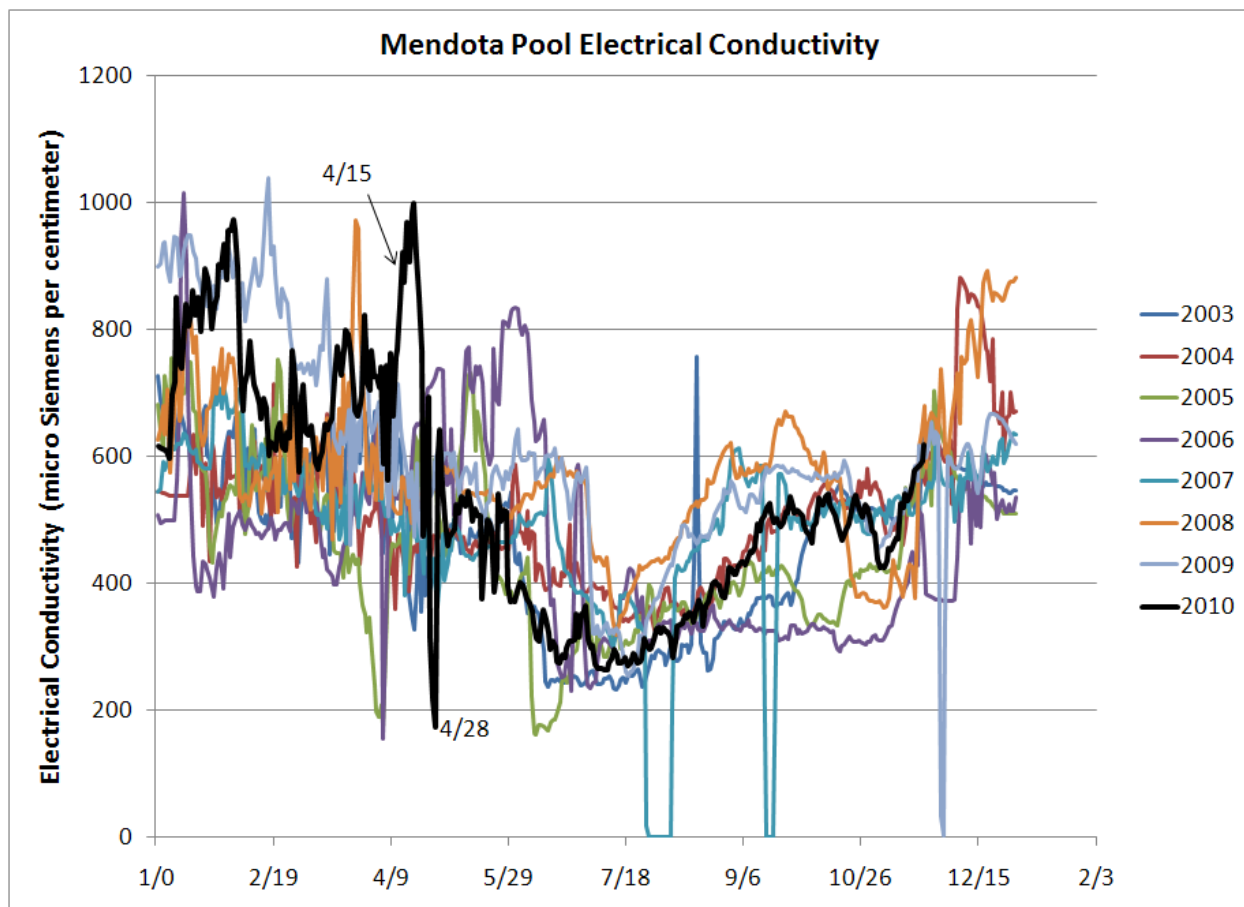


Figure 1: Mendota Pool Electrical Conductivity compared to historical

Reclamation has committed to the implementation of the Mendota Pool Water Quality Response Plan which provides for moving flows through the Firebaugh Wasteway to reduce EC in Mendota Pool and to still allow delivery of water contract supplies. This plan will continue to be implemented in a manner to avoid and minimize impacts related to increased EC levels in Mendota Pool. This plan will continue to be implemented in coordination with SLDMWA and the San Joaquin River Exchange Contractors.

Reclamation is not aware of any degradation of water quality in the Mendota Pool that may have been caused by or exacerbated by Interim Flows in WY 2011.

SLDMWA – 10: See response to comment SLDMWA – 2. Reclamation, SLDMWA, and Friant Water Authority have been meeting to address concerns expressed in this comment and to develop a recapture and recirculation plan as called for in Paragraph 16(a) of the Settlement and Section 10004(a)(4) of the Act. The parties are working to resolve a few remaining issues, including specifically, the concerns raised in this comment related to the availability of flood flows. These concerns are complex and challenging to resolve. However, Reclamation is nearing a resolution and is hopeful to complete the plan by early next calendar year.

SLDMWA – 11: See response to comment SLDMWA – 2. Additionally, WY 2012 Interim Flows shall be operated consistent with, and give priority to, existing water supply contracts.

The available capacity for recapture is the capacity that is available after satisfaction of all statutory and contractual obligations to existing water service or supply contracts, exchange contracts, settlement contracts, transfers, or other agreements involving or intended to benefit CVP/SWP contractors. Additionally, flood flows have a greater priority than WY 2012 Interim Flows for utilization of existing channel capacity. This is stated in Section 2.2.2 of the Final WY 2010 Interim Flows EA that is incorporated into the Draft Supplemental WY 2012 Interim Flows EA by reference.

SLDMWA – 12: New Melones currently operates under an interim release plan. Reclamation, San Luis & Delta-Mendota Water Authority (SLDMWA), and Friant Water Authority have been meeting to address water supply concerns and to develop a recapture and recirculation plan as called for in Paragraph 16(a) of the Settlement and Section 10004(a)(4) of the Act. Reclamation is committed to implementing the SJRRP in a way that meets the requirements of the Settlement while meeting the third party protections provided in the Act.

SLDMWA – 13: Reclamation is consulting with appropriate regulatory agencies for operations in the Delta in relation to the implementation of the Proposed Action. It is not anticipated that increased regulatory action will occur for Central Valley Project/State Water Project contractors associated with this temporary one-year action. Future potential actions are outside of the scope of this analysis.

SLDMWA – 14: The Draft Supplemental WY 2012 Interim Flows EA evaluates potential impacts as a result of the Proposed Action on resource areas. It is unclear from the commentor's statement what additional analysis may be needed for the resource areas identified. No changes are proposed to the document.

SLDMWA – 15: The commentor provided the request on August 8, 2011 after the comment deadline, which was July 21, 2011. However, Reclamation is including this letter with the comment responses. The two documents that are requested for inclusion into the administrative record for the Draft Supplemental WY 2012 Interim Flows EA are the San Joaquin River Restoration Program Draft Program Environmental Impact/Environmental Impact Report, dated April 2011, and the Draft Plan for the Recirculation, Recapture, Reuse, Exchange, or Transfer of Interim and Restoration Flows, dated February 10, 2011. Both of the documents requested are associated with the long-term implementation of the SJRRP and outside of the scope of the environmental review conducted for WY 2012 Interim Flows, which is a temporary one-year action.

1.9 Wolfsen Land Owner Group

Banonis, Michelle

From: Larry R. Harris [LHarris@murdoc.com]
Sent: Thursday, July 21, 2011 9:15 PM
To: InterimFlows@RestoreSJR.net
Subject: Draft SEA Comments

Ms. Michelle Banonis
Natural Resources Specialist
Bureau of Reclamation
2800 Cottage Way MP-170
Sacramento, CA 95825-1898

Re: Comments of the Wolfsen Land Owner Group to the Draft Supplemental Environmental Assessment and Proposed Finding of No Significant Impact for the San Joaquin River Restoration Program Water Year 2012 Interim Flows Project, June 14, 2011

Dear Ms. Banonis:

On behalf of the Wolfsen Land Owner Group, I hereby submit comments to the above referenced documents (referred here to for convenience as the Draft SEA).

We are landowners/farmers along the San Joaquin River in the area known to the San Joaquin Restoration Program (SJRRP) as Reach 4-A and 4B. The SJRRP will adversely impact our farming operations by putting land out of production, causing seepage and flooding damage, severance damage, introducing invasive species, interfering with agricultural practices due to the presence of a listed species, and other adverse impacts, including the unauthorized use of the Eastside Bypass Channel for fish flows. The Wolfsen Land Owner Group, as members of the Exchange Contractors through the San Luis Canal Company, Central California Irrigation District and participation with the RMC, have long term concerns regarding the SJRRP. Due to these long term concerns regarding implementation of the SJRRP, we join in the comments of the San Joaquin River Exchange Contractors Water Authority, its member agencies and the San Joaquin River Resource Management Coalition submitted to you on July 21, 2011.

Wolfsen- 1

Thank you for accepting our comments.

Sincerely,
Larry Harris

1.9 Wolfsen Land Owner Group

Wolfsen -1: See responses to comments for RMC – SJREC – 1 through 46.

1.10 West Stanislaus Irrigation District

Jeanne M. Zolezzi
jzolezzi@herumcrabtree.com

VIA EMAIL

July 1, 2011

Ms. Michelle Banonis
Natural Resource Specialist
2800 Cottage Way, MP-170
Sacramento, CA 95825
mbanonis@usbr.gov

Re: San Joaquin River Restoration Program/Supplemental Environmental
Assessment – Interim Flows Project – Water Year 2012

Dear Ms. Banonis:

The West Stanislaus Irrigation District (“WSID”) submits the following comments on the San Joaquin River Restoration Program Supplemental Environmental Assessment (“SEA”) for implementation of the Water Year 2012 Interim Flows Project.

WSID- 1

The SEA includes reference to WSID facilities as a potential point of recapture for Interim Flows, and notes that “Interim Flows recaptured along the San Joaquin River may provide deliveries in lieu of Delta-Mendota Canal (DMC) supplies”.

WSID is interested in cooperating with Reclamation to recapture interim and permanent flows in the future. However, we must clarify that it is not possible for WSID to divert project flows at its facility on the San Joaquin River in lieu of deliveries via the DMC. WSID uses water from the DMC during the peak irrigation period. At that time, 100% of the capacity of WSID’s San Joaquin River facilities is being used to provide irrigation water to its customers. Consequently, WSID has no additional capacity to divert water from the San Joaquin River “in lieu” of deliveries from the DMC.

Very truly yours,



JEANNE M. ZOLEZZI
Attorney-at-Law

cc: Mr. Robert Pierce

1.10 West Stanislaus Irrigation District

WSID – 1: Reclamation recognizes that there have been no discussions with West Stanislaus Irrigation District (WSID) for the possible use of WSID’s facilities to recapture Interim Flows and that WSID is already in discussions with numerous individuals and organizations for long-term arrangements for its facilities. The future use of WSID facilities would require an agreement with WSID, and possibly other entities. If such use were pursued, Reclamation would facilitate any future discussions and agreements. Additionally, Reclamation would coordinate any future agreements needed as a result of this action. The use of WSID facilities was included in the Draft and Final Supplemental WY 2012 Interim Flows EAs to provide greater flexibility in the event that such a use were pursued in the future